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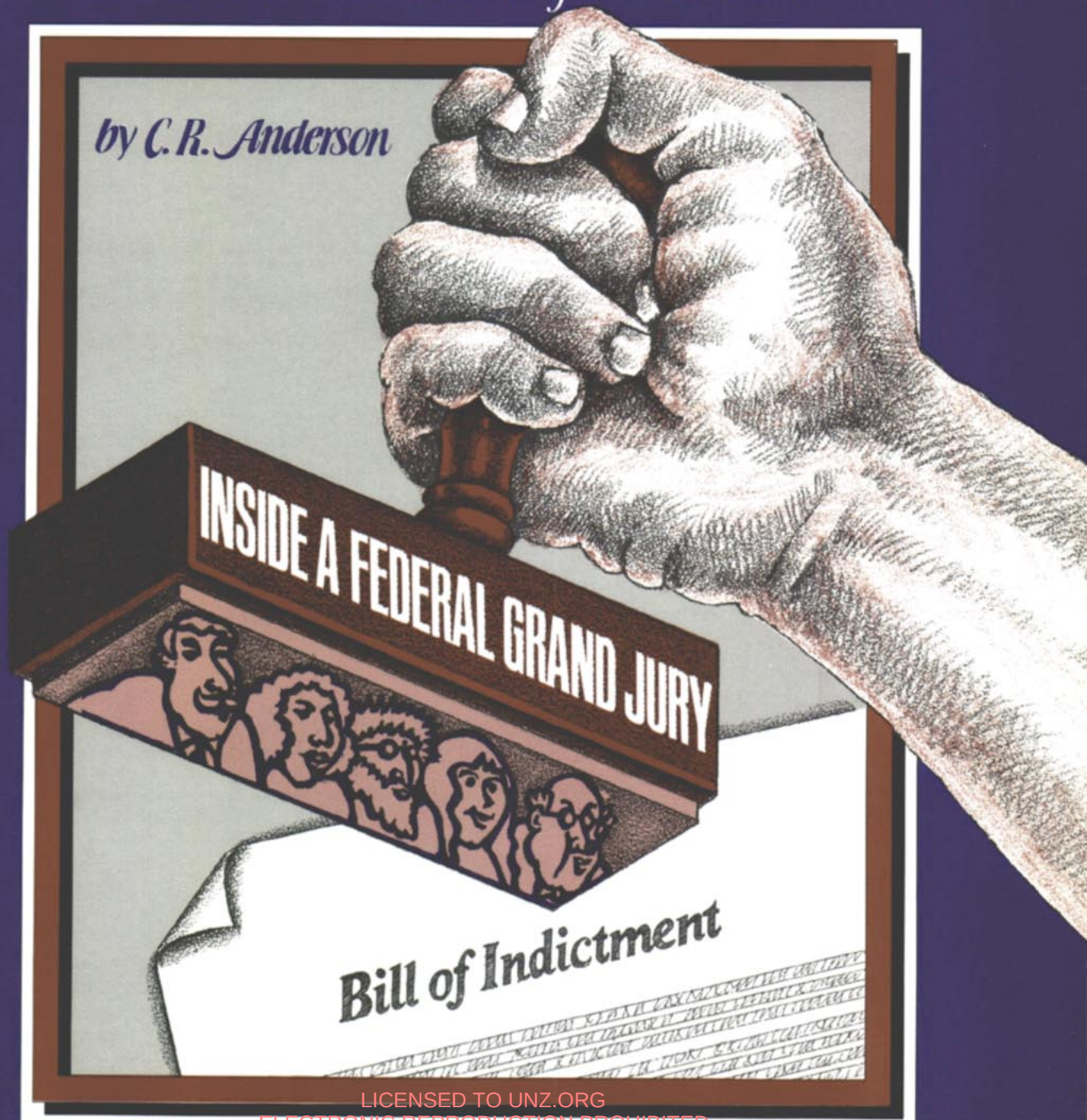
The National Endowment for Vacations



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APRIL 26, 1982

Inside a Federal Grand Jury

C. R. ANDERSON p. 15

Imagine yourself called before a federal grand jury. The prosecutor talks you out of your right to counsel and then disposes of your Fifth Amendment rights by giving you immunity. Then watch as he bullies a grand jury made up of bored and naive citizens into doing the government's bidding.

Megabucks for the Pentagon

ROBERT DEGRASSE, JR., & WILLIAM RAGEN p. 23

Query: Is Reagan's $1.6 trillion arms buildup a declaration of war on the Soviets, our economy, or both?

COLUMNS & REVIEWS

Inquiries ..... p. 3

Letters ..... p. 7

A Hill of Beans ..... p. 8

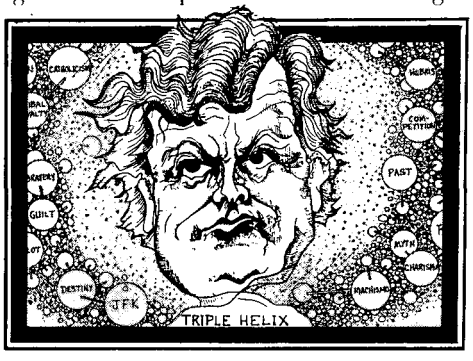
Company paper, company town. As A. J. Liebling once put it, "It is one of the consolations of a town with one paper, and a dull one, at that, that you have plenty of time to read it." *(GLENN GARVIN)*

First Amendment Watch ..... p. 9

While Congress slept. Without a hint of it in the *Washington Post*, the *New York Times*, the newsweeklies, or television, a new law took effect in the final days of 1981 that does the First Amendment grievous harm. *(NAT HENTOFF)*

Politics ..... p. 11

Vacationing at the Ministry of Culture. The National Endowment for the Humanities summer seminars have a secret agenda: hire professors and facilities at premium rates, give established professionals a monthlong vacation, and send the bill to the taxpayer. *(ELLEN PERRY BERKELEY)*



Books ..... p. 28

Robert Sherrill on *The Kennedy Imprisonment*, by Garry Wills; Claudia Wright on *The West Bank Story*, by Rafik Halabi; Roy A. Childs, Jr., on Ayn Rand, 1905–1982.

Film ..... p. 34

Stephen Harvey on *Victor/Victoria*.

Cover illustration by PAT MORRISON

A WORD FROM THE PUBLISHER

OUR COVER STORY ON the workings of a federal grand jury offers an insider's view of an important yet often neglected aspect of our criminal justice system. But it is much more than just a fascinating account. It is itself an indictment of a system that consciously suppresses individual rights and equal justice. And it's sobering to consider while reading it that the costs of this grand jury, both in money and in its effect on people's lives, were incurred primarily to fight crimes involving buyers and sellers, but no real victims.

There will be plenty of victims, unfortunately, of President Reagan's proposed increases in military spending, the subject of our second feature. Even if an ever more fragile peace is maintained, the impact on our economic freedom will wreak its own brand of devastation. If peace and economic freedom are two sides of the same coin, shouldn't we stop accepting the debased currency that establishment politicians hand out?

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RES PUBLICA

High on the hog

■ Top brass of the Washington [State] Air National Guard landed in the pork barrel this weekend, on Hawaii beaches.

The long weekend of fun and business was billed as the second annual commanders' conference of the Air Guard.

The troops won't suffer. But a couple of Washington pigs did.

The pigs were dispatched to Hawaii along with plenty of corn and fish in a military flight ahead of the event.

Billed as the "pig roast" of the year, the luau was planned by the officers for tonight at the Waianae Beach Club, part of an Army recreation center on the West Coast of Oahu.

The top Air Guard leaders—Major General Lloyd W. Lamb and Brigadier General Dale E. Wainwright—headed the flight crew which hauled about forty senior officers from forty-one-degree chill in Spokane early yesterday to seventy-eight balmy degrees in Honolulu.

Fuel cost for the round trip will exceed $40,000, according to aviation-industry estimates.

—Seattle Times, Feb. 28, 1982

Repeat after me: El Salvador is not Vietnam and Nicaragua is not Cambodia

■ The way to peace in El Salvador is through the toppling of the increasingly unpopular Marxist-Leninists in Nicaragua, which has become a central, privileged sanctuary for the Salvadoran guerrillas.

—Human Events, March 20, 1982

No, he's a thief

■ The tax system "can't cure all the evils of society," says Sheldon Cohen, a former IRS commissioner. "We expect too much" of the IRS, he told a House panel. "A revenue agent isn't a social worker, teacher, housing expert, oil and gas engineer, policeman, or all of the other things we are calling on him to be."

—Wall Street Journal, Feb. 2, 1982

To the memory hole

■ Richard D. DeLauer, Pentagon research director, blurted out during a public hearing of a Senate Armed Services subcommittee February 24 that the first stealth bombers, designed to be virtually invisible to enemy radar, will be flying in 1991....

Rather than let the 1991 date for stealth stay public, Pentagon officials confirmed last night that they have asked the...committee to consider that part of DeLauer's testimony secret and not for publication in hearings later this year.

Asked to explain classifying information after its release in open session by a Pentagon executive, Defense Department spokesman Henry E. Catto, Jr., said: "I'm not going to have anything to say about it."

—Washington Post, March 13, 1982

A Vietnamese family protection act

■ The present-day government of Vietnam levies a fine against the estate of anybody who commits suicide. The technical charge is "desertion."

—San Francisco Chronicle, Feb. 21, 1982

But with censorship comes clarity

■ [Retired Army General William C.] Westmoreland, who commanded U.S. forces in Vietnam...said the military must have the support of the American public in any future war. He said that isn't possible unless the news is controlled.

The news media, and particularly television, were responsible for an erosion of public support for the Vietnam War, Westmoreland said.

"Vietnam was the first war ever fought without any censorship. Without censorship things can get terribly confused in the public mind. Television is an instrument which can paralyze this country," he said.

—Washington Post, March 19, 1982

But you will have to wear it on your collar

■ The Los Angeles Department of Animal Regulation is planning to track down an additional 30,000 unlicensed dogs with a new system that will use city Department of Water and Power records.

Robert Rush, general manager of the Animal Regulation Department, said the agency will now have access to the names of 150,000 DWP customers who own dogs—a notation routinely made up by DWP meter readers.

By comparing the DWP's roster with Animal Regulation's list of registered animals, Rush said, his agency will be able to determine which owners are harboring unlicensed dogs.

—Los Angeles Times, Feb. 16, 1982

■ The chairmen of two congressional panels introduced an immigration bill in both the Senate and House Wednesday that calls for a national identification system for all job seekers—citizens as well as aliens—to help stem the flood of illegal aliens....

"It won't be an internal passport or a card you have to carry all the time," [Senator Alan K. Simpson (R-Wyo.), sponsor of the bill] said. "And no jack-booted minions are going to break down your door and demand to see it."

—Los Angeles Times, March 18, 1982

We bet you would

■ I would be absolutely delighted if we had an administration spokesman on *MacNeil/Lehrer* every single night, and if we had somebody on the morning shows every single morning.

—David Gergen, assistant to President Reagan for communications, quoted in the Washington Journalism Review, April 1982

New, improved, cheap death! Does less damage than an A-bomb!

■ Although the United States will not be the first to use chemical weapons, a senior Defense Department official said, "we cannot leave ourselves in a position to be unable to respond to Soviet use...."

Discussion of "the use of poison gas frightens people," the senior official said, "but it could be considered a cheaper substitute for nuclear warfare that would do far less damage outside the battlefield."

—New York Times, Feb. 2, 1982

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Taking on the Sandinistas

Credibility gap

FOR SEVEN DECADES THE PEOPLE OF Nicaragua suffered under the direct rule of U.S. troops and then the American-backed Somoza family. In 1980 all that changed with the victory of the Sandinista coalition. But seventy years of history are not so easily forgotten, on either side. The Nicaraguans now denounce the Yanquis in their national anthem, while the Reagan administration noisily authorizes a $19 million program to "destabilize" the Nicaraguan regime, in the tradition of Guatemala (1954), Brazil (1964), and Chile (1973). If all goes according to plan, Nicaragua will become a happy military dictatorship like its predecessors. If it doesn't, Nicaragua will be pushed firmly into the hard-line Marxist camp.

How can the Reagan administration justify such a bankrupt policy? The White House isn't having an easy time of it; since Vietnam and Watergate, the American press has awakened to the fact that our government doesn't always tell the truth. Indeed, more often than not, it simply lies. Nicaragua has proved to be no exception to the rule, although the truth about that country is sorry enough. If you are a businessman, an independent journalist, a Miskito Indian, or a political opponent of the ruling Sandinistas, you're in for a bad time in Nicaragua. But Reagan knows that Americans aren't about to fight to bail them out. Instead he has had to justify his interventionist plots with lurid tales of Cuban and Soviet mayhem, genocide against the Miskitos, and massive Nicaraguan intervention in the Salvadoran civil war.

The only problem is, the shriller the White House becomes, the faster its case falls apart, which leads one to suspect that this is the most inept administration in memory. Alexander Haig, for instance, drew press attention to a photo of burning bodies in Nicaragua to substantiate his claim of Sandinista massacres against the Miskito Indians. Haig has never shown any interest in the slaughter of Indians in Paraguay, Brazil, or Guatemala; this time, however, his moral outrage was in high gear. But, ahem, it seems that our $10-billion-a-year "intelligence community" had never checked the authenticity of the photo. It turned out to be an old one taken during the civil war against Somoza, showing Red Cross workers burning bodies to prevent an epidemic. The Sandinistas *have* brutally relocated the Miskitos, and have apparently killed some in the process, but there has been no wholesale genocide.

Then there was the captured Nicaraguan "military man" whose presence in El Salvador Haig cited as "unchallengeable evidence" and "overwhelming and irrefutable proof" of Nicaraguan complicity in the civil war in El Salvador. Haig said the man had been "sent down" by the Sandinistas to help the insurgent guerrillas. But there was a catch here, too. After the young man succeeded in gaining asylum in the Mexican embassy in El Salvador, the Mexican government identified him as a Nicaraguan student studying in Mexico who was traveling home during a semester break, only to be detained by Salvadoran soldiers at their border.

The most embarrassing incident of all occurred a week later, when the State Department finally trotted out for the press a real live Nicaraguan guerrilla captured in El Salvador. Instead of sticking to the official script, however, the alleged guerrilla recanted his earlier confession as having been made under torture, and denounced the Salvadoran military. The State Department was said to be in "a state of turmoil" after its show collapsed so miserably. The whole fiasco "left us sufficiently shaken that we can't ignore the possibility of our credibility being at stake," one administration official admitted. "Right now we just don't know what we're going to do next."

Finally, the administration staged another Cuban missile crisis–style photo session, complete with aerial photos and arrows pointing to Soviet and Cuban armaments defending their airport. It should come as no surprise that the Nicaraguans, barred from purchasing arms in the United States, have turned to Cuba for military assistance. It would be more surprising if, amid press reports of CIA-backed exile armies preparing to invade Nicaragua, the Sandinistas did nothing to defend themselves. Yet for all their buildup they are still not a regional threat. Their air force, according to a 1982 survey by the International Institute for Strategic Studies in London, is still much smaller than that of Honduras or Guatemala.

To find so many blatant examples of government lying in foreign policy you have to go back to the days of the Vietnam War: to the Gulf of Tonkin incident, the faked body-counts, and the wildly optimistic battlefield assessments. Even now we are still learning of ways in which the CIA fooled the American public (for example, printing phony North Vietnamese postage stamps showing their soldiers shooting down American planes, one of which made its way onto the cover of *Life*), and perhaps tricked even high administration officials with unduly low estimates of Vietcong cadre strength.

But government lying is inherent in the way our foreign policy is conducted; it isn't specific to any one case. The Carter administration, for all its moralizing about openness and honesty, wasn't above making a huge PR event out of its "discovery" of a Soviet brigade in Cuba that, officials admitted later, had been there since 1963. When Carter justified his request for military aid to Zaire on the basis of an alleged Cuban force attacking from Angola, a congressional committee looked at the evidence and came away wholly unimpressed.

But the intelligence agencies have never been more at the service of the politicians than they are now. With the CIA under the control of a Republican Party hack from Long Island, the agency's claims of dispassionate and accurate

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analysis stand exposed as never before. The downhill slide in credibility began with William Casey's order that CIA statistics on world terrorism be blown up to justify the administration's heated anti-Soviet rhetoric. That slide continued with the leaks of a sinister Libyan "hit squad" sent to bump off President Reagan—leaks later revealed to have been based on false, and possibly faked, reports passed on by the Israelis. It picked up speed with the production of the State Department's notorious white paper on El Salvador, which purported to prove that leftist guerrillas there were mostly financed and armed by the Soviet bloc—claims deflated by independent journalists who showed that the supporting documents had been misread and, in some cases, probably forged. It continued with the administration's charges that the Soviets had been caught red-handed using chemical weapons in Afghanistan and Southeast Asia. The State Department even claimed to know the number of Afghan victims down to the last man. But independent scientists haven't been convinced by the single leaf and stem collected from Cambodia, or by the other bits of evidence, that these claims are anything more than propaganda. Finally, the credibility slide neared rock bottom last December, when three senators on the Foreign Relations Committee wrote an unprecedented complaint to CIA Director Casey, charging that the agency's briefing on the situation in the Caribbean "evidenced a rhetorical tone and selective use of information that bordered on policy prescription. . . . [The] presentation seriously violated the agency's long-cherished principles and standards" of objectivity and professionalism.

The CIA, like all our intelligence agencies, is an arm of the president. It can never be, and has never been, objective or independent. Like the White House, the CIA under Casey has decided that what Central America needs is a good dose of covert intervention, a return to the heyday of the 1950s and 1960s when the CIA ran its own private war in Southeast Asia and installed despots in Iran, Latin America, and Africa. Reagan's men are entitled to their opinions, but there is no reason for the American people to share their fantasies, much less pay for them. For when the final bill comes due, when the wars have at last been settled, American intervention will cost a lot more than $19 million. ❑

Flowery talk from the IRS

Death, taxes, and euphemisms

"IN OUR TIME," GEORGE ORWELL ONCE wrote, "political speech and writing are largely the defense of the indefensible. Thus political language has to consist largely of euphemism, question begging, and sheer cloudy vagueness. Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to mere wind." Orwell, one suspects, would have been quite fond of Lawrence A. Kudlow, the chief economist of the Office of Management and Budget. Kudlow is the apparatchik who coined the phrase "revenue enhancement," which means increasing taxes. He also devised "receipts strengthening," which also means raising taxes. A rather dull-witted reporter once asked Kudlow why the White House didn't just call a tax increase a tax increase. "There's no better way to sell economic theory than by the euphemistic route," Kudlow answered.

April 15 should be a holiday honoring Kudlow and all the other patron saints of euphemism. No government activity has been better disguised with great heaps of doublespeak than the process of taxation. Even the word *tax* itself is a euphemism. If a man walks up to you in the street, pulls a gun, and takes money out of your wallet, he's a thief. If an IRS agent does the same thing, he's a tax collector.

This year as never before, our vocabularies have been enriched by kindly government helpers who specialize in calling a spade a groundbreaking item. The Reagan administration, ensnared by its own campaign rhetoric, is fearsomely anxious to avoid giving anyone the impression that it is raising taxes, even though it is. That's why we have revenue enhancement, receipts strengthening, and a real marvel, "tax expenditures." The fellow who came up with the phrase tax expenditures probably got one of those bonuses that are handed out each year to unusually productive and valuable bureaucrats. It is both beautiful and stunning in its simplicity. A tax expenditure is, quite simply, anything the government doesn't tax away from us. For instance, the Congressional Budget Office says that the federal income tax deduction for state taxes already paid is a tax expenditure.

But "tax expenditure" is much more than just a successful euphemism. What the government is really saying here is that it owns *everything,* and anything we hang on to should be considered a favor, or a "tax subsidy," as a lot of them are fond of calling it. This is not 1040-induced paranoia. A Senate Budget Committee report recently said *not* taxing someone or something is "the equivalent of a simultaneous collection of revenue and direct budget outlay of an equal amount." Clearly the next thing we can expect is for some extraordinarily clever senator to label tax expenditures as government spending, and then suggest that we cut it—by taxing *everything.*

Another commonly heard euphemism is that we have a system of "voluntary compliance" where taxes are concerned. Oh? And what happens if we don't voluntarily comply? And if paying taxes is strictly a voluntary process, why is the Reagan administration asking for 5000 more IRS agents? Will they be sent door-to-door to gently reason with the unvoluntary, using exquisite logic and moral suasion rather than their .38s?

Such verbal trickery is nothing, though, compared to the *Sting*-like dimensions of the withholding system itself. The federal government has spent billions of dollars to assemble a huge structure with no purpose whatever except to fool taxpayers into thinking that they're getting a bonus from the federal government. What's really happening, of course, is that they're getting back a tiny percentage of what the government has filched from their paychecks during the past twelve months.

It's hard not to admire such ingenuity. Even among the politicians themselves, where thievery is a way of life, the pickpockets sometimes take a moment off to salute innovators. So when Senator Robert Dole of Kansas and Repre-

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sentative James G. Martin of North Carolina hit on the idea of keeping Reagan's 10 percent tax cuts in place, but adding on a 10 percent surtax, budget wizard David Stockman saluted them. "That is one of the more creative proposals to come from the Hill," said Stockman, tongue unfortunately not in cheek. So, as you struggle with your form 1040 this weekend, don't think of it as extortion, or robbery, or even paying taxes. Think of it as funding creativity in government. You're a patron of the arts. ❑

Bring the spooks home

Naming names

INITIALLY, THE CIA AND ITS CONGRES-sional sympathizers had only one goal in mind: to knock off a belligerent little store-front magazine called *Covert Action Information Bulletin*. The boys at Langley were haunted by this small magazine that editorialized against American foreign interventionism and pointed to the CIA as the chief culprit in masterminding that interventionism. If this ragtag publication were silenced, then the magazine's annoying "Naming Names" column would no longer identify CIA agents or disclose their whereabouts as they conducted the agency's dirty work overseas. But the CIA realized that if it mounted a legislative attack singling out one manic publication, it would look silly in the process and almost certainly run afoul of various inconvenient passages in the Constitution.

So the CIA simply asked Congress to enact legislation making it a felony to divulge the names of U.S. intelligence operatives in *any* magazine, newspaper, or broadcast. As far as the CIA was concerned, the First Amendment was meaningless and prior restraint a necessary device for keeping the names of its agents and hired thugs from the American public. (The law, of course, won't affect the foreign press.) Congress fell for the CIA's scam, and—muttering about national security and patriotism all the while—overwhelmingly passed the "Intelligence Identities Protection Act."

Unless the bill is vetoed by President Reagan—a highly unlikely prospect—it will almost certainly become law during the current session of Congress. The House and Senate have each passed only slightly different versions of the bill, and now all that is required is for each chamber to agree on the wording of the legislation, vote again for passage, and send the bill to Reagan for a signing ceremony that will be replete with characteristically distorted references to freedom, national security, and the CIA's devotion to the national honor.

What the CIA, Congress, and the Reagan administration have not pointed out is that the passage of the bill will fail to prevent anyone who wants to from finding out the names of CIA agents. The "Naming Names" column in *Covert Action Information Bulletin*, for instance, was derived almost entirely from the public record—from back issues of the U.S. State Department's personnel book that is available in libraries to anyone who wants to see it. What it *will* do is make it impossible for even the mainstream American press to expose wrongdoing by the CIA.

Instead of passing legislation designed to cripple the press and undermine the First Amendment, Congress should have considered some practicable alternatives. If Congress felt itself called upon to protect the identities of CIA agents and operatives, it should have looked for the source disclosing the names of agents. While a great deal of that information is available from the public record, even more of it comes from CIA headquarters in Langley, Virginia. A large share of information reported in both the mainstream and alternative press regarding the names of CIA agents and operatives and plots has in fact been leaked to the press from Langley. And because Langley leaks—and leaks a lot—it is not a wild assumption to believe that the CIA (or at least some factions of it) *wants* the leaked information published. The dangers inherent in this scenario are obvious: The CIA leaks details of its plans either overseas or domestic, a newspaper or magazine then publishes the information, and the CIA turns to Congress demanding the press be silenced and the public kept uninformed.

Also, in attacking the press and the First Amendment, Congress overlooked some fairly routine questions. What damage is done by disclosing an agent's name? According to the CIA, this limits an agent's effectiveness. But agents serving under diplomatic cover are invariably known already to the Soviets, which doesn't diminish their ability to do their job. Will this give the Russians and their KGB the names of our agents? The CIA says yes. But it seems a safe bet that if an American reporter can uncover a CIA operation or agent, the KGB can, too. Will this expose CIA agents to attack overseas? The CIA says it will, that disclosing the names of agents impairs their safety. But if an agent's name and location are published, the CIA could simply send him home or to another location. And if the CIA were somehow unable to get an agent out of a country, the Russians or the Cubans would certainly be more than willing to help them do so.

Rather than asking such questions and listening to reason, Congress took the CIA's bait and passed what is essentially an official secrets act. Had Congress been cautious and on its guard, it would have seen that the best way to protect CIA agents is to bring them home and then retire them once and for all. Then such legislation would be unnecessary, and far less dangerous to the American public than the current international operations and future domestic plans of the CIA. ❑

SHORT TAKES

Free Marva Collins!

IT'S ASTONISHING HOW MUCH VERBIAGE was spilled in the news media over whether or not Marva Collins, the Chicago ghetto educator, is everything she and her publicists say she is. Accounts printed in *Newsweek* and the *Washington Post* and aired over CBS stations and on the

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"Phil Donahue Show" have gleefully detailed how she may or may not have knowingly embellished her academic credentials, how she may or may not have knowingly accepted federal grant money, how not all of her students have excelled in other schools, and how the parents of some of her pupils have been dissatisfied with her methods and have withdrawn their children from her school. The heaviest attacks have come from a collection of public school teachers and government bureaucrats—hardly an unbiased bunch—with a degree of fervor which suggests that Collins is a thoroughgoing fraud, none of whose successes at her Westside Prep ever really happened.

In fact, the criticisms—most of which Collins denies—prove simply that she is a human being, perhaps a better teacher than an administrator, who has failed to satisfy the requirements of every single child, parent, and teacher who has entered her classroom. News accounts rather breathlessly describe how some parents, unhappy that their children weren't getting a "well-rounded" education, have taken them out of Westside and put them in another school. All they were doing, of course, was what every parent should have the right to do: exercise choice in their children's education. Yet how many millions of other parents who believe their children to be prisoners of a nonfunctioning government school system have effectively no choice at all? Should they be required to wait until the educational establishment rejects their children as "slow," "retarded," or "learning disabled" before it tolerates their desperate moves to alternative schools such as Westside Prep?

It was Collins's willingness to take the government's rejects that initially established her reputation for "miracles," and she now sarcastically answers those who criticize the results of her teaching by saying that she might get rid of the low-achievers and "take only children who are superbright." She concludes, "The best defense is what I do," but it is sadly instructive about the intensity of her opponents to read a Chicago public school teacher's accusation that "the whole Marva myth was racist" because "the white press decided that this must be a miracle teacher if these children were learning." We suggest that if there are any charges of racism to be leveled, they should be against an educational establishment that rages hysterically against a black woman who refuses to play by its rules.

■ ***THE FEDERAL GOVERNMENT OWNS 90*** percent of the land in Alaska, 87 percent of Nevada, 65 percent of Utah, 64 percent of Idaho, 52 percent of Oregon, 45 percent of Arizona, 44 percent of California, and on down the line. The people who proclaim that they know "Watt's Wrong" or "Watt's Right" about land-use policy, whatever their differences, have accepted the same key premises of the debate: that governments, not people, should own these lands, and that decisions about them should be made politically, by legislators and administrators, depending on who has the power and the votes at any given time. Even most "Sagebrush Rebels" want merely to transfer government ownership from federal to state. But any question that can be settled politically can be undone politically, when the wind changes. No final resolution on land use is possible until the lands are transferred to private ownership—and we're not just talking about mining companies and ski-resort developers, but also about environmental groups devoted to preservation. Even now, groups such as the National Audubon Society own thousands of acres of wildlife preserves—and James Watt can't touch them. Our worries over the imminent barbecuing of Bambi would be far less if the secretary had far less Interior to preside over.

■ ***OIL IS IN ABUNDANCE AND PRICES HAVE*** dropped, but still all is not well, for the regulators, administrators, legislators, and commentators who flourish during times of crisis are now telling us—and who are we to dispute them?—that the lack of an oil shortage may itself be a crisis. Consumers may start spending their money the way they choose, and we certainly can't have that. Let us, then, be among the first to identify the newest, gravest threat to our nation: the Crisis Shortage Crisis, known more familiarly as the crisis crisis, the shortage shortage, or the moral equivalent of flatulence.

Specifically, we offer the following steps in dealing with this crisis:

1) Public scapegoating of the OCEC, the Organization of Crisis Exporting Countries, a randomly selected group of foreigners with dark skins and strange mannerisms;

2) Increased military spending and a return to the draft, in preparation for invading the Middle East to protect "our" crises;

3) Extensive public-relations campaigns urging Americans to "Save A Crisis A Week," and warning, "Don't Waste Crises";

4) Tax credits for investments in crisis-protracting devices;

5) Massive federal subsidies for the research and development of "syncrises," as well as building up our "strategic crisis reserves," in case the first four steps don't work.

■ ***IF THERE WERE ACADEMY AWARDS FOR*** dictators, Somalia's President Mohammed Siad Barre would deserve an "Idi" for Best Despot in a Supporting Role. A general who came to power in a coup, naturally promising "free elections" which haven't happened in the thirteen years since, Siad Barre was a staunch Soviet ally who threw the Russians out when they wouldn't help him invade neighboring Ethiopia. He invaded anyway, got the hell beat out of him, and has been trying to cozy up to the United States ever since. Always looking for new friends, the United States responded obligingly last year by approving $40 million worth of arms sales to Somalia and refurbishing a Soviet-built air base for its own. Siad Barre, meanwhile, has been looking for excuses to go back into Ethiopia.

All of which is to explain why it's more than a little unnerving that Siad Barre, after meeting with President Reagan last month, told the press that the administration "promised me they would defend Somalia from outside aggression," which historically has meant Ethiopian retaliation for Somalian incursions. The administration hasn't denied it. And since Ethiopia replaced Somalia as the Soviets' client state in the area, another raid by Siad Barre could easily touch off a U.S.–Soviet proxy war. Since Somalia lies east, not west, of Ethiopia, when the hostilities start we'll be reluctant to believe Alexander Haig's assurances that the defeat of Somalia poses a grave immediate threat, national security–wise. ❏

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 1320 G Street S.E., Washington, D.C. 20003. The editors reserve the right to edit letters for length when necessary.

Marx and Sontag

*FOR A PUBLICATION CLAIM*ing the admittedly rigorous virtue of lacking ideological axes to grind, *INQUIRY* ["Rip van Sontag and other sleepyheads," March 29] displays a suspicious tilt. You had a good deal of fun with Ms. Sontag's new-found recognition of the poverty and injustice of the Soviet system. Perhaps this is her due. (To state, however, that her public remarks were the requiem for her own political movement is rather a bit of wishful thinking, I fear.) Yet when you leap from Sontag's overdue awakening to generalize that her blind spot is also the entire American left's as well, you reveal either a remarkable lack of political perception or a calculated barrage of ideological biases. Most of the leftists I know, and I proudly place myself on that side of the spectrum, have long been aware of the thoroughly unpleasant nature of Soviet-style state capitalism and doctrinaire communism in general. And when you castigate Daniel Singer for his refusal to "swallow the cheap, fashionable equation between Marx and the barbed wire," you simply reveal that your editorialist has never read Marx, or read enough to understand the horrors being perpetrated in Marx's name would be abominations to the Grand Old Socialist.

Your magazine reads like something by the right-wingers within Young Americans for Freedom. (Care to 'fess up?) Please. Quickly cancel my subscription.

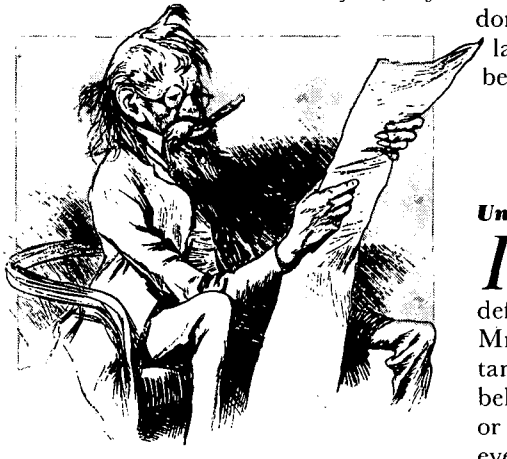
FRANK S. DUNTZE
Omaha, Neb.

P. J. O'Rourke, mass murderer

P J O'ROURKE'S ESSAY ON "Safety Nazis" [March 15] is funny but fatally wrong. It disastrously conflates two very different issues: (1) government attempts to prevent us from harming ourselves and (2) government attempts to prevent us from harming others. His facetious statement that "It is the duty of every . . . person to smoke, drink, drive like hell, own Pintos, and run around in bare feet" is about as funny as a murderous drunken lunatic in an RV running down an eighty-year-old lady on our city streets in broad daylight.

I hate air bags and "childproof" tops as much as anyone, but I reject absolutely Mr. O'Rourke's central thesis, which is that we should blaze full speed ahead on all fronts regardless of the danger. This attitude leads logically to a nuclear war. Further, the ecology is in absolute and direct confrontation with the economy, and we will make no real progress with either until we recognize this fact and do something about it.

G. S. PUTERBAUGH
Sunnyvale, Calif.



Peace or land?

*RACHELLE MARSHALL'S AR*ticle, "The Golan Exodus," [Feb. 28] confirms the conclusion that many close observers of Zionism have reached: The state of Israel has not sought and does not seek any "comprehensive peaceful settlement" as that phrase is generally understood. On the contrary, extensive research leads one to a preponderance of evidence that there is, in fact, a rigid, long-range plan for territorial expansion.

The ultimate limits of such expansion and, consequently, the final borders of Israel, remain unclear. Defense Minister Ariel Sharon, for example, has been quoted as saying that Israel has legitimate claims to all of Jordan. Many others have said that the eventual borders must stretch "from the Nile to the Euphrates." As for Lebanon, Zionist leaders as far back as the Versailles peace conference have said that its territory, as far north as the Litani River, should be incorporated into Israel.

Such plans obviously preclude any chance whatsoever for any peace in the region. They also, of course, raise somewhat horrendous prospects as to the ultimate consequences if such policies (such as the Golan annexation) continue to be carried out. As the article points out, each time the borders of Israel have been expanded since 1948, the new borders automatically become "insecure" by their own definition.

Anwar Sadat once summed it up rather succinctly when he said, "They don't want peace. They want Arab land." The Middle East may indeed be the incubator of World War III.

GLENN TULLOS
Alexandria, La.

Unbelievably unfunny

*IN YOUR MARCH 15 EDITORI*al "Nuclear Pollyannas," on civil defense, you mention a statement by a Mr. T. K. Jones, deputy undersecretary of defense. I find it impossible to believe that anyone in such a position, or in any responsible position, could ever make such a statement. You go on to mention that Mr. Jones is one of the "funniest" of the administration.

If I felt this was a true statement I would hardly characterize it as "funny."

HERBERT WOOD
Ramona, Calif.

Mr. Wood refers to a statement by Secretary Jones that "everybody's going to make it if there are enough shovels to go around" when nuclear war breaks out. Regrettably, Secretary Jones is quite serious about this and has been quoted extensively throughout the news media. One of his most recent and extensive interviews appeared in the Los Angeles Times *on January 15 and 16.*

—THE EDITORS

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A HILL OF BEANS

GLENN GARVIN

Company paper, company town

I OPENED A DRAWER LAST fall, packing up for the move to Washington, and there it was: a yellowed front page of the *Albuquerque Tribune,* announcing that seventeen-year-old Glenn Garvin was the first kid in New Mexico to register to vote under the Twenty-Sixth Amendment, which cut the voting age. Young Glenn said his ambition was to "live in Washington, D.C., and cover politics for the *Washington Post.*"

Regrettably, dreams do come true—or half-true, anyway. Now I live in Washington, fantasy of my youth. It's a nice place if you like overpriced restaurants, muggers, or Young Republicans. And then there's the *Washington Post,* an equally pleasurable diversion.

When I was in college the *Washington Post* was *the* newspaper where every young journalist wanted to park his typewriter. Those were scoundrel times, Watergate times; every day the *Post*'s investigative reporters gave the knife another twist. If you wanted to expose blight and corruption in government, if you wanted to catch thieves red-handed, if you wanted to throw their lies back in the politicians' bovine faces, the *Post* was the place to do it.

But Nixon is gone now, and the *Post*'s brassy reputation is covered with tarnish from the Janet Cooke affair. You don't see nearly so much investigative reporting in the *Post* these days; what you do see, to the point of nausea, are weepy soliloquies about the hellish agonies of bureaucratic life in Reagan's Washington. No matter that Reagan's budgets have *raised* federal spending $69 billion. No matter that the widely publicized reductions in force (RIFs) involved less than four-tenths of a percent of the federal workforce. To read the *Post,* you'd think half the city was ready to line up at the soup kitchen.

When I've made this observation to friends who don't live here, they've been skeptical. "Better get out of there pretty soon," said one. "You're starting to sound like one of Reagan's three-by-five cards." But even Reagan has to be right once in a while, if only because of the law of averages. Just to be sure, I spent an afternoon leafing through the *Post*s for the first two weeks of January. I counted twenty-six stories, editorials, or column items detailing the misery wrought by budget cuts—and no, I didn't see a single one about middle- and lower-income families squeezed dry by taxes, or jobs lost as government borrowing dries up private investment money. Few of the stories said anything about how the cuts might affect the recipients of government services, focusing instead on the dreadful plight of the bureaucrats who administer the services. Around the *Post,* they know who government really serves.

Actually, I sometimes enjoy these stories; they're a pleasant distraction from the grim realities of Washington. For instance, one of them went through some tortuous mathematical calculations to prove that public school teachers make only 36 cents per student per hour, "considerably less than the average baby-sitter." Fascinated, I called my personal baby-sitting consultant, Hawley Anderson of Arlington, Virginia. "Most kids my age—that's twelve—are getting $1.50 an hour for baby-sitting," she advised me. But Hawley, a shrewd manipulator of market forces, gets extra work by charging only $1.25. So to pay America's 2.1 million public school teachers at Hawley's salary, as the *Post* advocated, would cost a mere $2.6 million per student per hour. As you can see, a story like that makes the problem of muggers seem trivial indeed.

Another, headlined "Beating the Bureaucratic Stereotype," warned that RIFed workers looking for jobs in the private sector "may encounter an unexpected obstacle—the sometimes poor image the outside world has of the Washington bureaucrat." After this astonishing disclosure, the article offered some surefire interview tips: Never say you "coordinated" anything, but instead that you "managed" it; and be sure to mention that "I was a federal employee, and I was always productive." (An accompanying story shed some light on why RIFed workers might be having trouble finding new jobs. It seems that some potential employers expected them to relocate. Impossible, explained one: "D.C., I must say, has a marvelous lifestyle.")

More often, though, the stories are maddening: in their lack of balance, in their sympathetic portrayal of a class of people who view government jobs as lifetime sinecures, in their fundamental assumption that Big Government is the natural state of affairs and any challenge to it should be viewed with suspicion and hostility. Those are the messages that the *Washington Post* brings us day after day. In the story that said outgoing Virginia Governor John Dalton would never run for office again because of the piddling $60,000 salary. In the story that quoted a bureaucrat, without rebuttal, who said a 1.6 percent budget cut in educational research amounted to putting education on a "starvation budget." In the story about how the Environmental Protection Agency was trying to cut its $7 million annual phone bill, an action the *Post* called "government pinching pennies from its workers."

These stories run so often the *Post* even has a standing head for them—"Budget Cuts: Hitting Home." One story in February, which covered nearly an entire page, concerned a minor office in the Department of Health and Human Services where forty-four of 1400 employees had been RIFed. The *Post* made it sound like a bureaucratic My Lai; the story was filled with adjectives like "struggling" and "stunned." One supervisor said that the RIFs made the employees ill: "The anxiety symptoms range from laryngitis to hives." These grim tableaux, said the *Post,* "raise serious questions about the way the Reagan administration has gone about fulfilling its promise to take on the bureaucracy."

Sorry, fellows, but I think mostly what it raises are questions about why we should take the *Washington Post* seriously.

GLENN GARVIN is the editor of INQUIRY. His new column will appear regularly in these pages.

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FIRST AMENDMENT WATCH

NAT HENTOFF

While Congress slept

IN THE APRIL 13, 1981, ISSUE, INQUIRY reported that Congress had nearly enacted into law an amendment that punished pure speech and radically threatened the First Amendment. Introduced in the House of Representatives by Dan Daniel (D-Va.), and then in the Senate by Ernest Hollings (D-S.C.) and Harry Byrd (Independent-Va.), this proposed amendment to a continuing appropriations resolution would have cut off from CETA job training and employment funds anyone who publicly advocated the violent overthrow of the government—or anyone who has spoken or written to that effect during the past five years.

Colloquially, this legislation was called the Blitz amendment because it was inspired by two pesky members of the Communist Workers Party—Dorothy and Allen Blitz—who live in Representative Daniel's district.

The Blitz amendment passed both houses of the 96th Congress without dissent. The only reason it did not become law in 1980 is that toward the end of the session the Senate and House quarreled so long over a congressional pay raise, there was only time to pass a stopgap appropriations bill shorn of all amendments.

By accident, the First Amendment was rescued from grievous harm. And hardly anyone had known it was in danger. The Blitz amendment was embedded in a long, complex piece of legislation. There had been no floor debate. Most members of Congress had no idea they were voting sanctions against mere advocacy. (Not that they would necessarily have voted differently had they known.) And since there was virtually no press coverage of the Blitz amendment except by *INQUIRY*, a couple of papers in Virginia, and a columnist for the *Washington Post,* the citizenry was also unaware of its existence.

Then came the 97th Congress. Representative Daniel waited to reintroduce the Blitz amendment. Late in the afternoon on October 6, 1981, with only three or four of his colleagues on the House floor, Daniel moved the following language:

> None of the funds appropriated or otherwise made available by this Act may be used, pursuant to the Comprehensive Employment and Training Act, for the participation of individuals who publicly advocate the violent overthrow of the Federal Government or who have, within the past five years, publicly advocated the violent overthrow of the Federal Government.

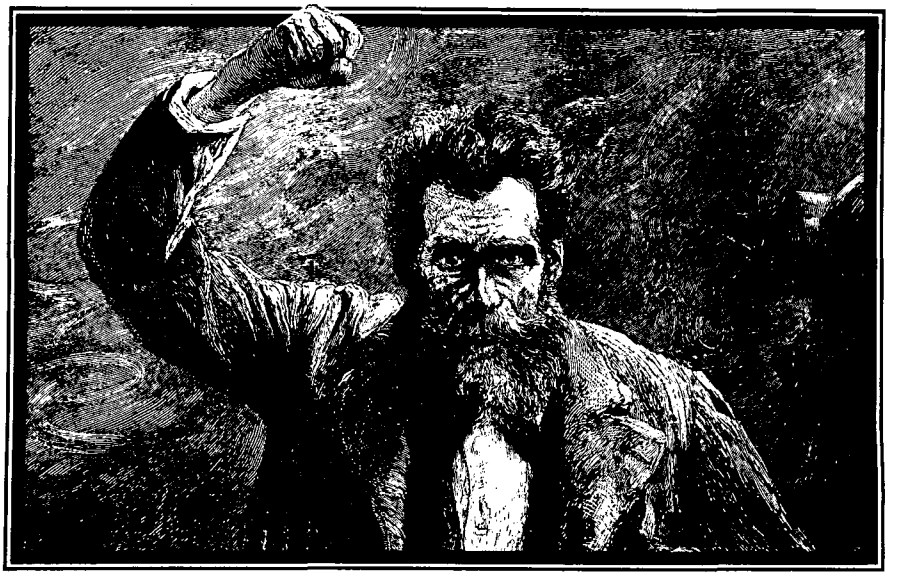
On the twilit floor the amendment became part of the current continuing appropriations resolution, and soon passed the full House by voice vote. By December of 1981 the Senate, without debate, had joined the House in approving a joint appropriations resolution in which the language of the Blitz amendment was nestled. And on December 15 the president signed the whole package into law.

At this point there had been no story about the success, let alone the existence, of the Blitz amendment in the *New York Times,* the *Washington Post,* any other major daily, the newsweeklies, the wire services, or, of course, television. Therefore, once again the vast majority of Congress had been ignorant of the fact that they had actually given rebirth to the notorious 1940 Smith Act, which, until now, has been discredited and dormant for some twenty-five years.

The Smith Act also punished mere speech; and under it eleven leaders of the Communist Party had been sentenced to prison in 1949 for conspiracy to organize that party and for conspiracy to teach and advocate the overthrow of the government by force and violence.

In 1951 the Supreme Court, by a 6-2 vote, affirmed those convictions (*Dennis* v. *United States*). What had the evidence been? As dissenter William O. Douglas pointed out in rage and dismay, the prosecution had made no showing that these Communist leaders had planted bombs or had taught techniques of street warfare or sabotage. Instead, the government showed the jury pamphlets, books, magazines, and an abundant supply of the *Daily Worker.*

The Communist hierarchy was sent to prison for what its members believed, not for any *acts* they had committed. The other dissenter, Hugo Black, was to say eleven years later: "I believe with Jefferson that it is time enough for government to step in to regulate people when they *do* something, not when they *say* something,



NAT HENTOFF writes a monthly column on civil liberties for INQUIRY. *His books include* The First Freedom: A Tumultuous History of Free Speech in America.

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and I do not believe myself that there is *any* halfway ground if you enforce the protections of the First Amendment."

By 1957 the High Court, with some new members, had some foggy second thoughts about the Smith Act. In *Yates* v. *United States*, the Court (6-1) overturned the convictions of fourteen second-string Communist leaders. This was hardly a glorious vindication of the First Amendment, however, because John Marshall Harlan, writing for the majority, did not say that all *advocacy*—being mere speech—is protected under the First Amendment. Some advocacy is still criminal under the Smith Act, Harlan said, "if those to whom the advocacy is addressed [are] urged to *do* something, now or in the future, rather than merely to *believe* in something." In the *Yates* case, Harlan added, there wasn't enough evidence that these Commie second-stringers had advocated *action* rather than ideas.

How do you draw that fine, wavering line? The Justice Department couldn't figure it out, and so, after *Yates*, there were no further prosecutions under the Smith Act. Though still on the books, the law turned into an ugly anachronism, a reminder of one of the darker ages of the American experiment with liberty.

BUT NOW THAT IDEAS, ideas by themselves, can be punished under the Blitz amendment, the thrust of the Smith Act has become contemporary again.

Consider Dorothy and Allen Blitz. Both have been denied CETA funds for job training. No one, not even Dan Daniel, has charged them with any overt, illegal acts against the Republic. They have been stricken from the rolls solely because of their membership in the Communist Workers Party. That messianic band predicts an ineluctable confrontation in this land between fascism and the forces of light. In their vision the workers will triumph and establish a government that acts on their behalf. In the process the workers will take over all the basic industries—also on behalf of the greatest good for the greatest number. There is a chance that this revolution may be nonviolent; but considering the possibility of some resistance to the implementation of such a vision, the odds are on violence. So the prophecy goes.

Dan Daniel has had his way: "Individuals whose stated policy is the overthrow of our system should not be the beneficiaries of our system."

But in six months or so, there will be no more CETA funds. The program, never part of the Reagan administration's "safety net," is doomed. Representative Daniel, however, is not content with only blitzing the Blitzes. I asked his press secretary if Daniel intends to try to extend the Blitz amendment to other federal programs so that they can be purged of folks with bad thoughts. Food stamps are on Daniel's list. Anything else? "Whatever," the press secretary said. "Whatever involves federal benefits and services."

Most members of Congress did not know about the Blitz amendment or its dangers. One staffer said, 'The First Amendment is one thing, staying in office is another.'

Will Congress go along with the fattening of the Blitz amendment? As of the beginning of March, most members of Congress still did not know of the Blitz amendment. Again, there had been no floor debate in the House or the Senate, and hardly any press coverage. There is no more vigilant defender of constitutional liberties in the Congress than Don Edwards of California, chairman of the House Subcommittee on Civil and Constitutional Rights. A couple of weeks ago, I asked Edwards for his reaction to Dan Daniel's legislation. Edwards, the congressman from the Constitution, as he is sometimes called, was aghast. Don Edwards had never heard of the Blitz amendment.

I've had the same response from other congressmen and their staffers. But now that a number of them do know about this silent wound inflicted on the First Amendment, what are they going to do about it? The continuing appropriations resolutions in both the House and Senate had to be renewed by March 31. Conceivably, the Blitz amendment could have been extracted by then—either in committee or on the floor.

It wasn't. If the surgery were to be done in committee, the excision, for technical legislative reasons, would have to be made in the Senate Appropriations Committee. The counsel for that committee assured me that no such effort would be made. Or, as a staff member for that committee put it: "Can you imagine these guys, in an election year, saying that they *approve* of federal money going to people who advocate the overthrow of the government? Be realistic. The First Amendment is one thing, but staying in office is another."

"Even if something had been done in committee," a liberal congressman from New York told me, "we'd have lost on the floor. A roll-call vote in the House or the Senate would have easily affirmed the Blitz amendment. It's not just that this is an election year and that the Bill of Rights is under siege anyway. Most of the members *believe* that this kind of speech is not—and should not be—protected. They're ignorant of the First Amendment. What do they know of its history? What do most Americans these days know about it? I mean, look at what's being taught—and what's not being taught—about the Constitution in the colleges and the law schools. People come out with degrees knowing very little about the constitutional background of this country. And some of those people become members of Congress."

In researching the history and ramifications of the Blitz amendment, I spoke to a considerable number of staffers in congressional offices and committees—the higher-ranking staffers who make a good many of the decisions for their liege lords. Most were unaware of the Blitz amendment, and when told what was in it, nearly all were surprised that I seemed so exercised about the matter. A few did understand the rather glaring First Amendment issue involved, but they pointed out there were much more pressing priorities in this session of

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Congress than Dan Daniel's pursuit of Dorothy and Allen Blitz.

Meanwhile, with the Blitz amendment being in no danger in Congress, the American Civil Liberties Union has brought suit on behalf of the Blitzes in federal district court in Washington.

The Blitz amendment, the ACLU says flatly, "is an unconstitutional abridgment of speech and association guaranteed by the First Amendment." Among the Supreme Court cases that will be cited on behalf of the Blitzes' right to *advocate* violent overthrow of the government, with impunity, are several stating that public employment cannot be conditioned on what applicants—or those who already hold public jobs—believe.

In *Keyishian* v. *Board of Regents* (1967), for instance, the Court held that state university professors and public school teachers could not be fired for refusing to sign certificates saying they were not and had never been Communists—and that they did not advocate the violent overthrow of the government. Nor could these professors and teachers be denied employment because they belonged to organizations that *advocated* the forceful toppling of the government.

The key, and still controlling, case is *Brandenburg* v. *Ohio* (1969). At a Ku Klux Klan rally at a farm in Ohio, a television camera picked up a speech by a red-hooded Klan statesman indicating that "revengeance" would be taken if "our president, our Congress, our Supreme Court continue to suppress the white, Caucasian race." Among the raptly listening Klansmen, also hooded, were a number bearing weapons.

Under the Ohio Criminal Syndicalism Statute, the main inspirational speaker was indicted and convicted for "advocating . . . the duty, necessity, or propriety of crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing . . . political reform."

Said the High Court:

> The constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe *advocacy* of the use of force or of law violation except where such advocacy is *directed to inciting or producing imminent lawless action* and is likely to *incite or produce such action*. As we said in *Noto* v. *United States* (1961) . . . "the mere abstract teaching . . . of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action" . . . A statute which fails to draw this distinction impermissibly intrudes upon the freedoms guaranteed by the First and Fourteenth Amendments. [Emphasis added.]

Brandenburg struck down a state statute that violated the First and Fourteenth Amendments. Obviously, the federal government, including Congress, is also bound by the First and Fourteenth Amendments—and thus should not at all be bound by the constitutionally questionable Blitz amendment.

FOR SOME LIBERTARIANS, like me, *Brandenburg* didn't go far enough because it still punishes certain kinds of incitement, even though incitement is only speech. As William O. Douglas said in a concurring opinion: "The line between what is permissible and not subject to control and what may be made impermissible and subject to regulation *is the line between ideas and overt acts.*" (Emphasis added.)

Or, as Hugo Black had insisted, in a separate opinion in *Yates:* "The First Amendment forbids Congress [and the individual states] to punish people for talking about public affairs, whether or not such discussion incites to action, legal or illegal."

In any case, *Brandenburg* surely goes far enough to protect Dorothy and Allen Blitz, and anyone else who has been tossed off any CETA program since the passage of the Blitz amendment. Dan Daniel's language deals only with abstract advocacy. There's nothing in it requiring proof that the talk is intended to incite imminent lawless action or that such talk could produce any lawless action, no matter what its intent.

On the other hand the present Supreme Court is hardly predictable in First Amendment matters, and while the precedents—particularly *Brandenburg*—point to the extinction of the Blitz amendment, the Court might yet honor the "patriotism" of Representative Dan Daniel.

In case it does, the other day a Senate Appropriations Committee lawyer was ticking off the federal programs that will be targeted after CETA—"Let's see, food stamps, welfare, school lunches—you don't want those Commie kids getting fat at our expense—and Aid to Families with Dependent Children. If there are any folks covered by the Blitz amendment still breathing, we can go on from there."

POLITICS

ELLEN PERRY BERKELEY

Vacationing at the Ministry of Culture

*I SPENT MY SUMMER VACA*tion on a government boondoggle in Chicago. To be specific, I attended one of nineteen summer seminars for professionals run by the National Endowment for the Humanities. The seminar was given lofty advance billing by the NEH: "The purpose of this program is to advance public understanding and use of the humanities as a resource for professional leaders by providing them with the opportunity to work with scholars in the humanities to explore a wide range of issues of national concern." The seminar was to deal with the subject "Taste and Popular Culture in America," and it was to be directed by a philosopher whose specialty was esthetics.

Because I am a writer about architecture, this caught my eye. I had not been an official student in quite a while, and I thought a return to a classroom seminar would be a rewarding experience, as well as an adventure. I had no way of knowing that my vision of the seminar differed sharply from the NEH's, or that as a participant I would be used to help perpetuate yet another government program gone awry.

The seminar I attended—and the eighteen others—are gone from the 1982 NEH budget. But the NEH maintains hopes of reinstating them in 1983. The NEH firmly believes these monthlong seminars are somehow good for all involved, and thereby

ELLEN PERRY BERKELEY is a writer on architecture, formerly a senior editor of the Architectural Forum. *She is not planning to ask the NEH for money again.*

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beneficial to the taxpayers who foot the bill.

I'd say this belief deserves a good shaking. I attended only one seminar. It's possible some of the others were not so bad. It's also possible that some of them were even worse.

The word *boondoggle* accurately describes the seminar. In an informal sense, the word means "work of little or no practical value done merely to look or keep busy." This definition is said to have been coined by an American scoutmaster (named Link, not Boondoggle) as a name for the word's more formal meaning, "a cord of plaited leather worn around the neck by Boy Scouts." A lanyard. A product of languid summer days. I didn't return from my NEH seminar with a lanyard. I came home wanting to blow the whistle.

The NEH began life in 1965 with a budget of about $2.5 million, and fattened itself up by fiscal 1980 with a budget of $100.3 million for its programs (and another $38.4 million for its matching funds and challenge grants). The "Seminars for Practitioners" program, in its eighth year in 1981, was waddling along at $40,000 to $45,000 per seminar, according to the staff member in charge, or just under $800,000 for the lot. With twelve to fifteen people per seminar, that's up to $3750 of taxpayers' money for each participant.

Not that we saw this money ourselves. Our stipend was only $1200. *Only*, did I say? It was a windfall, and most participants couldn't spend it fast enough. A pair of Ralph Lauren walking shorts, for instance, at $98, were considered a bargain. Or memorabilia. Or trinkets. One fellow shipped a pair of cartons home by UPS. But some participants were saving. I never asked, "What does the seminar mean to you? What is it all adding up to?" I could imagine the unspoken answer, hovering in the air like the thought-bubble of a comic strip: "Oh, about $500, give or take a little."

Where did the rest of the $40,000 go, after the $18,000 for these stipends we spent so grandly, or hoarded so carefully?

The "host institution"—in our case, the University of Chicago—got $4800 for supplying a WATS line and a mailing address before the seminar, and a classroom and other campus facilities during the seminar. (We paid for our own lodgings.)

A "distinguished humanities scholar" chosen to lead the seminar (the NEH picked nineteen from the "thirty or forty" it had invited to apply) got an amount equal to two months' salary.

An "administrative assistant"—ours was a philosophy student working on his doctorate with the distinguished scholar—got $1700. We were his on-the-job training for an administrative career I pray he will never pursue.

Two "consultants" had been paid $100 each to work with the seminar director and the administrative assistant to select the final fifteen participants from forty-five applicants.

A series of "guests" (several each week) were paid $100 or $200 each, depending on whether they were half-morning or full-morning experts.

Perhaps other seminars were not as bad as mine. It's also possible some of them were even worse.

Not every invited guest was "hired," however, and the administrative assistant cautioned us about one guest: "Don't tell her everyone else is getting paid." But as it turned out, she was the wife of a colleague in the philosophy department, and money was found for her by sending another guest packing at mid-morning. These guests proved to be an odd lot. One guest, for example, was selected sight unseen "because he's a good friend of the man we've been dealing with at NEH," the administrative assistant told us, naively loquacious.

And finally, about $4500 was spent transporting us to Chicago and back home.

ACCORDING TO THE NEH'S own jargon, our seminar was "interprofessional." This meant that it was open to business executives, labor leaders, journalists, lawyers and judges, physicians and nurses (and other health-care practitioners), public administrators and school administrators, architects, engineers, scientists, and persons from professions other than teaching. But the participants at our seminar were almost entirely media people—men and women working in print journalism and in radio and television. We did have a lawyer who specialized in "art law," and two school administrators who directed arts and humanities programs.

It is possible that this group from the practical world went off to the University of Chicago primarily to study "Taste and Popular Culture in America." Possible, but unlikely. Being practical people, the fifteen participants included the following:

- a high-school supervisor from New Jersey who took this opportunity to visit her daughter, a lawyer in Chicago;
- a newspaperwoman from Georgia, who took this opportunity to stay for a month with her boyfriend, a newspaperman in Chicago;
- a newspaper columnist from Florida, who took this opportunity to get himself and his wife into a cooler climate (Chicago was not the best choice, unfortunately).

How does the NEH reach out to such practical folk? How did they learn about this NEH program?

- The director of humanities at a community college in Ohio heard about it from his brother-in-law, the seminar director. Participants occasionally discussed this relationship. Many thought it was "peculiar," but no one ever said it was "wrong."
- An attorney from Florida learned about the seminar from her boyfriend, with whom she had attended another NEH seminar in California the previous summer. It was too early for him to apply again, but he had hoped to join her, attending all of her sessions as she had attended all of his.
- A TV public-affairs reporter and "weathercaster" from Nebraska was informed of the seminars by her boss: "He threw the thing down on my desk and said, 'How about *this* for a vacation?' "

If some people saw the seminar as a free lunch, others left with lunch and a tip. In their absence from work, a few participants received partial salaries from their employers, and two people

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received full salaries. One of these was the manager and program director of a listener-sponsored station affiliated with the tax-draining National Public Radio. I could imagine the station's annual pledge drive: "...and we desperately need the next fifty new members to send our program director on a boondoggle."

Bringing fifteen professionals together with a philosopher could have provoked stimulating and valuable discussions of "Taste and Popular Culture in America." But most of our fifteen did not share a common frame of reference or a common outlook with the seminar director. The discussions among the professionals and the philosopher, therefore, were only marginally instructive, like the last few minutes of a "Sunrise Semester" program glimpsed through half-opened eyes while waiting for the early morning news.

But how could it have been otherwise? What did a chatty fashion writer from a Louisiana newspaper have in common with a leading authority on the subtleties of Kantian esthetics? How could a shy art director from a public television station in North Dakota relate to a garrulous Talmudic hairsplitter? And who could possibly translate the dialogue between an outspoken black writer from California who argued against racial stereotypes in *The Jeffersons*, and an analytic philosopher who wondered aloud whether boors in literature were necessarily bad?

Lacking a common denominator and vocabulary, we could have floundered without a purpose. Instead, we sensed almost immediately that our common task was simple—we had to *boondoggle* together (yes, it is also a verb), and thereby the time would pass.

AND SO WE TALKED. HOW we talked. Often without discipline, without purpose, without substance—but we talked. Every morning for at least three hours, and occasionally for two more hours in the afternoon, we spat out the words, we extruded the statements, we gummed forth the questions, we drooled out the exceptions. We created a volume of Saul Steinberg–like productions: lacy words weaving around cast-iron words, sitting on woolly words, climbing up wooden words. We ran our mouths. We spoke of the eighteenth-century philosopher David Hume, jumped to estheticians of the twentieth century, spent a couple of days on "elitism and populism," and then swept through photography, film, architecture, sports, cooking, dress, music, legal matters, and television. With the exception of two days at the beginning and one day at the end, the seminar director had given to the guests and participants full responsibility for making all presentations and running all discussions. (Perhaps an idea like that *deserves* two months' salary.)

It would be charitable to say this format produced an uneven result. In fact the muddiness slid downhill almost immediately. By the second week one participant thought the seminar less important than his activities in Chicago; by the third week, he thought the seminar was actively getting in the way of his other activities. Another man said, "The NEH is paying us to read, that's all." One woman was seen writing a letter in class, trying to disguise it as note taking. Outside of class, one woman worked on a script, another on a novel (violating the NEH rule about full-time commitment to the seminar). The novelist said she was glad she wasn't taking it all so seriously as to feel she had to keep up with the reading we had been assigned.

We didn't talk much about the assigned reading in class. The bulk of the readings was a fat collection of photocopied articles and essays, given out at the first meeting of class; the seminar director said it had "proven impossible" to get the reading list to us in advance, as promised. (The administrative assistant, on the other hand, told me it was "partly laziness, partly hitting some snags." When I suggested that some of the readings might have been sent to us in advance, he looked at me as if surprised. "You know," he said, "we just never thought of that." They also never thought of us as serious researchers. Publication dates and other citations were missing from many of the photocopied items and from the accompanying reading list.)

In addition to the wad of articles, we were assigned four books. These were unavailable in the library and were to be purchased by each of us for $60. One of the books contained only eighteen pages of assigned readings. These pages had not been photocopied, which would have saved us money. But this book (like another of the four) was a collection of essays that included several pieces by the seminar director.

Although the NEH endowed the seminar with a lofty purpose, a hidden agenda became visible with the appearance at our seminar of the NEH staff person in charge of this program. (He made a whirlwind visit to our group and to four or five others, in as many days.)

"We should be on our good behavior," said the novelist before his visit: "We want the NEH to fund lots more of these." And we *were* on our good behavior. We boondoggled away

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a morning and an afternoon. Several of us had lunch with our visitor and several more of us met with him at the end of the day. We boondoggled. And he boondoggled. We learned for instance that he hates mass-produced items in general and everything made of plastic in particular, and unplanned cities and "visual ugliness."

We learned, too, what he'd like. He said, imperiously: "Unless you have some tentative standards for evaluating taste, it becomes meaningless. People just say 'I like country music' but so what? It's more than a question for this seminar. It has relevance to the schools. I would like to see, in the high schools, for instance, various people telling how they evaluate furniture. Aren't people who have spent their *lives* in a field able to tell us what *quality* means? And shouldn't young people be at least exposed to things we can agree are better? Let them then choose—it's a pluralistic society. But instead of just picking the cheapest furniture they'd have more sophisticated taste. When people are unsophisticated in taste, they are victims."

So much for country music. Some of us gave him an argument over lunch. But a man who has decided that he must do nothing less than improve the standards of the entire American public is not going to be dissuaded from his mission over a tunafish sandwich.

Later, when he told us his program had been totally eliminated for 1982, we adopted a suitably solemn attitude. He told us it would be improper for him to suggest that we write to Congress on behalf of the program, thus, of course, suggesting not very subtly that we write to Congress on behalf of the program. But we were a practical group, with a good grasp of practical relationships. I have no doubt a number of congressmen received letters urging continued support of these seminars. Bribe an intellectual once, get a lifetime of proper expressions of support. At the end of his visit, he asked for our impressions of the seminar. We had taken the king's shilling. We weren't about to tell one of the king's ministers we were uncomfortable with any aspect of our indenture.

AFTERWARDS, I HAD THE deepening suspicion that the continuation of these seminars had nothing to do with our being on good behavior with our visitor. It was reasonable to doubt if the seminar provided any benefit to the participants other than financial and recreational, and whether the seminars served any public need. Why, then, do these seminars continue to be held? Perhaps because they serve the needs of bureaucrats at the NEH—providing them with everything from psychological fulfillment (looking down on those who like country music) to job security (working up a new set of seminars for the following year). Any bureaucrat worth his pension understands what's in it for him: If he can't articulate a problem, he can't propose a solution, and *he* joins the ranks of the jobless. So the NEH decides, with no little contempt for the public, what is needed by the public, and then lines up a seminar to give it to the public.

The final meaning of the seminar was obvious. It put a little sum of money in everyone's pocket, and offered a lot of mileage to the NEH. Everybody got something.

To keep this pork barrel rolling requires that a substantial number of professionals be courted and culled for their participation in the seminars. But the participants can be counted on to see what's in it for them. (The participants can probably be counted on, too, to share the basic perceptions held by the NEH about what the public wants. I was startled to hear one of our group—a top staff member of a National Public Radio station—state his surprise at Reagan's victory: No one *he* knew had voted for Reagan.) The only other requirement is an outside intellectual willing to oblige for two months' salary.

But hiring a group of professionals and one intellectual to do nothing more than run their mouths for a month generated a great deal of undirected and free-floating contempt. Our seminar director, for instance, returned from an orientation meeting in Washington, he explained, with considerable contempt for the NEH. This was matched later on by his considerable contempt for certain members of our seminar. But his brother-in-law explained the director's unpragmatic attitude: "He is more used to dealing with graduate students," we were told.

The final meaning of the seminar was obvious. It put a little money in everyone's pocket, and offered a lot of mileage to one bureaucracy. Everyone got something. (The taxpayer got the bill.) I considered briefly whether the amount of $800,000 wasn't too trifling an amount to get exercised about—after all, there isn't much you can buy with $800,000 these days. But if this program is so obviously flawed, why not be done with it? Is $800,000 too small an amount to save?

The reactions of some of the participants were curious. One participant in the $800,000 venture was away from her boyfriend for four weeks. She summarized her reaction to the seminar by saying she had "enjoyed the privacy." Another participant, who gave the seminar an unofficial grade of five (on a scale of ten), was most grateful for long hours in the periodicals section of the library digging up ideas for future articles. Another participant was pleased to have started an exercise routine.

Through my own participation, I met an entire caseload of middle-class welfare recipients, decked out in Calvin Klein T-shirts, Gloria Vanderbilt jeans, and (with few exceptions) equally fashionable ideas.

And I went home with troubling questions. Had the seminar been even remotely good enough to justify all the expense? I thought not. Each of us had surely gained some insights, found some subjects to explore, learned some things from the other participants. But we are people who do this easily, even eagerly. Indeed, we spend our lives doing this; we make our livings doing this. Why should the taxpayers support us in our pastimes and in our livelihoods?

The price may be steep—at $800,000—but just possibly, this one time, with one person speaking honestly about one sorry boondoggle, the taxpayers may have gotten their money's worth.

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The young engineer was astonished. For weeks he had been sitting on a federal grand jury, listening to testimony about drug deals cut in the street. But now a witness had just said that there was as much dealing in the city jail as there was on the street. And, far from being surprised, the prosecutor had agreed; the drugs were doubtless being smuggled in by guards, he said.

"Why isn't this being investigated?" the perplexed engineer asked.

"Grand juries visit jails and write reports all the time," the prosecutor said wearily. "It doesn't change anything."

But the engineer persisted. He was disturbed by such conspicuous wrongdoing. A few sessions later, the U.S. attorney came by to visit the grand jury, and the engineer asked to start a grand jury investigation of the jail.

"You're not in a position to make judgments about resource allocation," the attorney sniffed. "I wish the state would look into it. But I won't permit you to investigate anything you want if I don't think it's worthwhile—even if it says you can in the grand juror's handbook."

United States Constitution, Amendment 5

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury. . . ."

by C. R. Anderson

I RECENTLY COMPLETED A TERM OF EIGHTEEN months in a large eastern city as a member of a special federal grand jury dealing with narcotics violations. The experience was an unsettling one. I was astounded that the responsibility for saving or ruining someone's life was put in the hands of such a legally naive and ill-prepared group, advised entirely by the prosecutor we were assigned to watch over. I was awed by the power of the prosecutor, who put on what amounted to a one-man show, with the supporting players directed by him and with no one to speak for the accused. I was shocked at his ability to subpoena any witnesses he saw

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fit and, by giving them immunity and thus depriving them of their Fifth Amendment rights, force them to answer any question, however personal or irrelevant. And I was dismayed at the compliance of trusting, bored, or ignorant jurors and the way even the most conscientious were eventually worn down by the enormity of the task and joined the prosecutor's fold. I ended up convinced that we were a perversion of the ideal of justice embodied in the Bill of Rights.

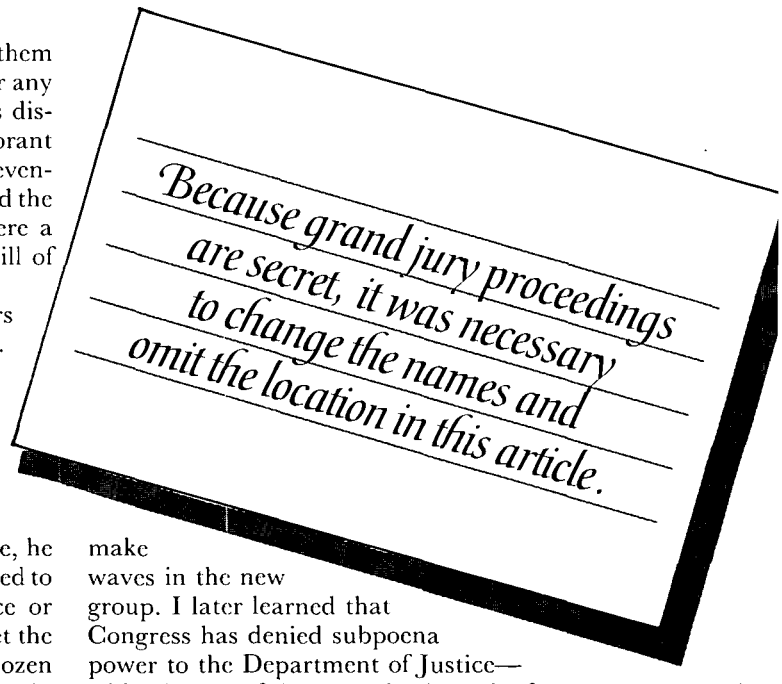
My term was full of conflict: between the prosecutors and the jurors, among the jurors, and within the U.S. attorney's office itself. Of the twenty-three members of our jury, only about eight of us treated the prosecutor with any skepticism. The others were content to be human rubber stamps, automatically approving any indictment presented by the prosecutors. Nine jurors actively opposed the skeptics; they were fond of saying that "if the prosecutor didn't have a good case, he wouldn't bring it to us." They often vociferously objected to any sustained questioning of prosecutorial evidence or methods, calling for us to issue the indictment and "let the petit [trial] jury decide." And there were the half dozen jurors who never spoke in a year and a half. We were certain they were alive only because they raised their hands to vote yes whenever it was time to consider an indictment.

A bare majority of twelve votes was needed to return a "true bill"—an indictment—whether we had our minimum quorum of sixteen jurors or all twenty-three. Once the prosecutor had presented his evidence against the accused, he and the court stenographer left the jury room and we were alone to discuss and vote. Since we voted by a show of hands, peer pressure to go along with the majority was substantial, and the majority usually wanted to return a true bill in as little time as possible.

Most federal grand jurors sit on "regular" grand juries and handle a variety of crimes. "Special" grand juries, like ours, are impaneled to deal with a specific type of case—narcotics, white-collar crime, Watergate—involving longer investigations. My qualification for this lengthy and demanding role in our country's judicial system was simply that I was a registered voter. Though grand jurors were once pillars of the community—so-called "blue ribbon" grand juries—they are now chosen by computers from the voter rolls.

When the computer picks your name, there are practically no appeals—service is mandatory. That might be one of the reasons so many on our jury developed such a strong production ethic, trying to dispose of each case as quickly as possible. Although we never met more than one day a week, a number of my fellow jurors chafed under an obligation that harmed them financially or professionally. Several had tried unsuccessfully to get excused. Yet several welcomed the break in their weekly routine.

Although newspapers often describe grand juries as boldly "investigating" cases, it was the Justice Department that had done the investigating for us. The witnesses had typically been interrogated at length before their testimony was repeated before us. Unlike trial jurors, we were also allowed to question the witnesses, and did. We surrendered our subpoena power to the prosecutor without a protest at one of the first sessions; he presented it as a routine, bureaucratic request. He asked if there were any objections. I contemplated pointing out that I didn't know if I had any objections because I wasn't sure what we were giving up, but no one else spoke up and I was hesitant to make waves in the new group. I later learned that Congress has denied subpoena power to the Department of Justice—which is part of the executive branch of government—and limited it to the judicial branch, of which the grand jury is a part.



PERPLEXED ABOUT OUR FUNCTION, I DID some reading on the subject and found that the powerlessness of federal grand juries, and the ability of prosecutors to manipulate them, has generated widespread attacks and calls for reform by lawyers, judges, legislators, and others. But the failure of this body to check oppressive government and protect the innocent as intended by our founding fathers, is nothing new. From its beginnings, 800 years ago, the history of the grand jury has been a tarnished one, with but a few shining moments.

When King Henry II commissioned the first forerunner of the modern grand jury in 1164, it was in order to wrest power from the Church. Twelve landowners selected by the sheriff were to be present at every county court session to present the names of persons they suspected of serious crimes. These unlucky souls were then subjected to ordeal by torture, which, if correctly endured, proved their innocence.

The first documented case of a grand jury's refusing to indict came not until 1681, some 500 years later, in a case involving two Protestant opponents of King Charles II's attempt to reestablish the Catholic Church. Undaunted, the king presented the indictment to a different grand jury, which obliged with a true bill—the same practice used by U.S. prosecutors today. Only in a couple other instances did "the people's panel," as it was called in ancient days, assert its independence from the English government before it was abolished there in 1933. (The English now use a system of public preliminary hearings instead of the secret grand jury session.)

In the American colonies, grand juries were highly esteemed because they played a key role in the opposition to British authority and absolved those who opposed the crown, more in a show of political rebellion than of perfect justice. In 1765 a Boston panel refused to indict those who had led riots against the Stamp Act; in Philadelphia, a grand jury denounced the use of the tea tax to pay British officials and promoted a boycott of British goods.

Thomas Jefferson hailed the grand jury as "a sacred

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palladium of liberty," then proceeded to have his political enemy Aaron Burr prosecuted for treason. When the first grand jury refused to indict, the case was re-presented to a specially selected body in Jefferson's native Virginia, which complied. Burr was eventually acquitted.

Occasionally, state grand juries rooted out corruption, as in 1872, when a "runaway" jury—prosecutor's jargon for a grand jury that acts independently—toppled the notorious Boss Tweed in New York City. But on the federal level they have been pliant to executive pressure. Woodrow Wilson used them to imprison and deport hundreds of radicals in the days following the Russian revolution. The Roosevelt administration had no difficulty indicting Nazi propagandists on sedition charges. In the late 1940s and again in the 1970s, grand juries were used to harass and intimidate political activists.

As early as 1931, a presidential commission advocated the abolition of the federal grand jury. But efforts to abolish it—and possibly replace it with "informations" (formal written charges by the U.S. attorney before a judge), as allowed in half the state systems—confront the necessity of a constitutional amendment and a general reluctance to tamper with the cherished Bill of Rights.

Calling the grand jury "but a convenient tool of the prosecutor," U.S. District Court Judge William Campbell declared in 1972 that "any experienced prosecutor will admit that he can indict anybody at any time for almost anything before any grand jury." Although he is correct in an estimated 95 to 98 percent of the cases, our jury once unpredictably stood up to the prosecutor. This case involved two Drug Enforcement Administration (DEA) agents and a policeman who were trying to serve an arrest warrant on a narcotics suspect. When there was no response to their knock, they asked the apartment manager for a key. The manager refused, pointing out that the suspect named on the warrant had a different first name from his tenant.

The agents knocked again without response, identified themselves, and broke the door down. They were greeted by a man (we'll call him Hodges) crouched behind a bed, pointing a twelve-gauge shotgun at them. After they threw their identification badges towards him, he gave up his shotgun but still pushed one of the officers and had to be handcuffed. They found a loaded shell in the chamber of the gun.

The charge was: forcibly assaulting, resisting, and intimidating federal officers with the use of a dangerous weapon. The penalty was a fine of up to $1000 and a prison sentence of up to ten years. As it turned out, the police had collared the wrong man; the warrant was for his brother, who did not occupy the apartment. I had the impression that the assault charge was prompted by a desire for revenge by the embarrassed arresting officers. Grand juries normally do not hear any exculpatory evidence. But when one of the jurors asked why Hodges had held a gun on the agents, the witness replied that Hodges claimed his apartment had been broken into before, his wife assaulted, and threats made against them both.

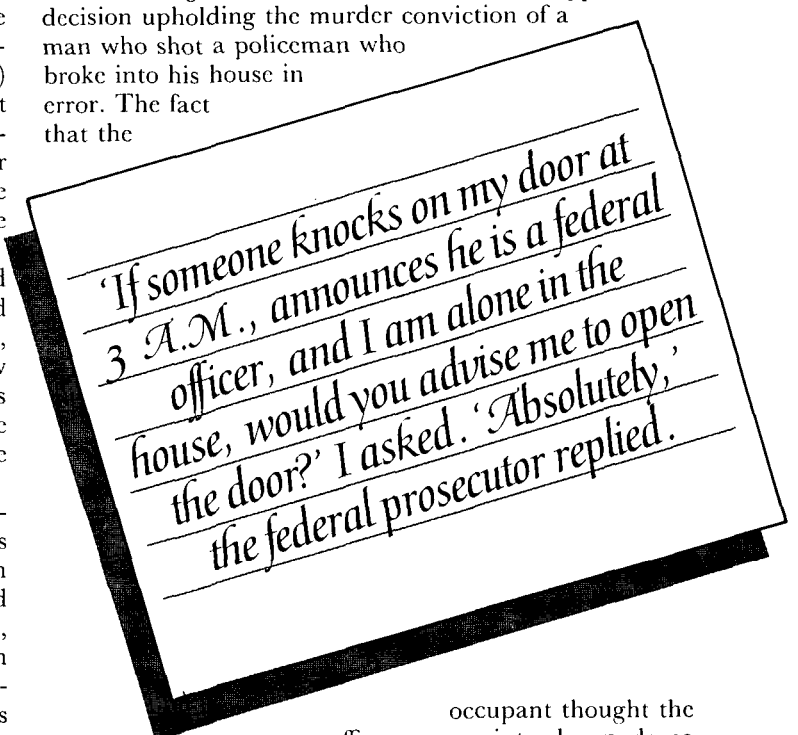
THIS CASE PLUCKED A SYMPATHETIC chord in the minds of many of those jurors who were callous when the charges involved narcotics. Many said they kept guns for protection themselves and if someone tried to break down their door they would arm themselves regardless of who the intruders claimed they were. As the jurors saw it, here was a presumably innocent man, no doubt terrified as his home was broken into by three plainclothesmen, only trying to protect himself.

For the first and, as it turned out, only time in eighteen months, our jury refused to return an indictment ("no bill"). The vote was 11-8 against. The majority felt that Hodges should be charged with resisting arrest but that the gun charge should be dropped.

When he returned to the jury room, the prosecutor, Mr. Carlton (his name, like all others in this article, has been changed), was not pleased. He asked why we had refused to indict, stressing that we only needed to find *probable* cause and that the trial jury could have decided to leave the gun issue out. He said reluctantly that the indictment would be rewritten.

To our astonishment, the case was re-presented at our next meeting unchanged. Another prosecutor, Mr. James, lectured us at length on the law. Ignorance of the fact that the intruders were federal officers was no defense, he told us. Federal officers often do not wear uniforms. If a federal officer announces that he is a federal officer, you have no legal right to resist. "If someone knocks on my door at 3 A.M., announces he is a federal officer, and I am alone in the house, would you advise me to open the door?" I asked. "Absolutely," he replied. There was a chorus of protests from the jurors: "Not me"; "I wouldn't."

Then Mr. James read us a U.S. court of appeals decision upholding the murder conviction of a man who shot a policeman who broke into his house in error. The fact that the occupant thought the officer was an intruder made no difference, James instructed us. He cited the case of a drug dealer who unknowingly sold narcotics to an undercover agent, then held a gun on him in an effort to grab the drugs back and was convicted of assaulting a federal agent. He went on to read us a Supreme Court ruling which held that it was irrelevant in a case of resisting arrest if the person were the actual subject of the warrant.


'If someone knocks on my door at 3 A.M., announces he is a federal officer, and I am alone in the house, would you advise me to open the door?' I asked. 'Absolutely,' the federal prosecutor replied.

Many jurors were incredulous that this could be the law, but the legal precedents cited by Mr. James were too intimidating. This time the vote was 13-7 for a true bill. I was deeply perplexed about how to vote. As Mr. James de-

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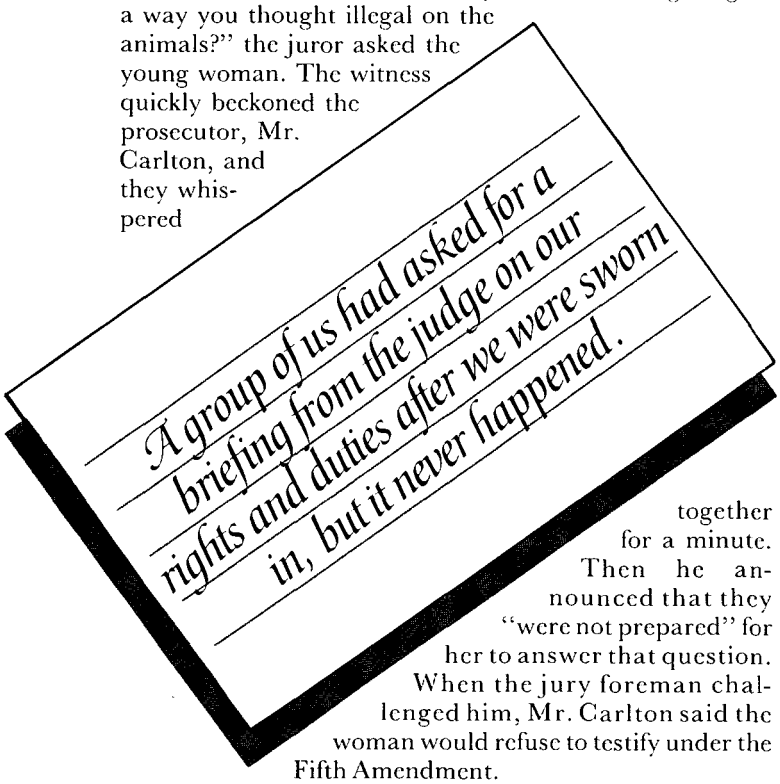
scribed the law, we should indict Hodges, although that seemed unjust. Was I obliged to enforce the law, however illogical it seemed? I concluded that as a grand juror appointed by the state my personal feelings were immaterial, and I voted with the majority to indict.

At lunchtime one of the other jurors—the same engineer who had wanted to investigate the city jail—asked disappointedly why I had changed my vote. I explained that I thought it was my duty under the law. "I think it's our duty to be guided by common sense," he said thoughtfully. "Maybe if we refused to apply an unjust law, we can help change it." I mulled it over and decided he was right. Even the handbook backed him up: "A grand jury may vote an indictment or refuse to do so . . . without regard to the recommendation of judge, prosecutor, or any other person." As I became something of a dissenter, I became unpopular with some of my fellow jurors and later learned that I had been termed a "troublemaker."

A number of us continued to be disturbed by the Hodges indictment. In a few months, our views were to triumph. In the meantime, we were presented with another case, which provoked a showdown with the prosecutors and dissension among the jurors. This involved a veterinarian at a racetrack who was seen injecting himself with drugs. At one point the doctor's assistant took the stand. One of the jurors, puzzled that so much attention was being paid to a suspect who didn't seem to have done anything but take the drugs himself, decided to probe to see if there was more to the case than had so far met the eye. "Was he using drugs in a way you thought illegal on the animals?" the juror asked the young woman. The witness quickly beckoned the prosecutor, Mr. Carlton, and they whispered together for a minute. Then he announced that they "were not prepared" for her to answer that question. When the jury foreman challenged him, Mr. Carlton said the woman would refuse to testify under the Fifth Amendment.



Mr. Carlton then left the room, and a few minutes later Mr. Chester, first assistant to the U.S. attorney for the district, appeared and inquired pleasantly as to "your problems," since "things are not going well and we have another year to go."

The foreman, always forthright, replied that we seemed there simply to rubber-stamp the indictments. "When we refused to vote a true bill, we were informed that it was our responsibility to do so," he charged. "When should we not return a true bill?"

"It is lawful for us to encourage you to return a true bill," Mr. Chester advised, evading the question. "Sometimes problems arise because of inadequate explanation or insufficient presentation of facts."

I didn't know what that meant, exactly, and I didn't feel that "our problems" had been solved. I wrote to the U.S. attorney, protesting that I thought things *were* going well to the extent that we were trying to safeguard our fellow citizens from unwarranted indictments. I described my reservations about the handling of the Hodges and veterinarian cases and asked a number of basic questions about the grand jury's job.

UNKNOWN TO ME, THE FOREMAN, WHO HAD previously been foreman on a petit jury, had taken the same issues directly to the federal judge for the district. Together, we provoked quite a response. Mr. Chester reappeared the following Wednesday to mollify us. Explaining that it is not unusual in grand jury practice to bring in a witness to testify "in a limited manner because there are problems in other areas" (whatever that means), he assured us that we should rely on and trust the prosecutor's judgment on the proper order of questions and proper handling of a witness. But, he conceded, the prosecutor should explain the limited scope of questioning in advance.

The foreman protested: "I have information from the highest authority [the judge, he later told us] that the jury can ask any question referring to the case."

"I don't know where you got your information, but it is incorrect," Mr. Chester countered.

In the meantime, I received a grateful reply from the U.S. attorney himself, Mr. Wilson, who encouraged me at length to continue to "question anything that you see or hear that is contrary to your own good judgment" and to bring such matters to his attention.

Mr. Wilson visited our next meeting. He began with a bombshell. He had read all the transcripts in the Hodges case; the judge had read them all. "We will dismiss the case," Mr. Wilson said. "It is the right thing to do." Some of us were elated. We were never again to make such a difference.

I found Mr. Wilson magnificent. (He was a Democratic political appointee and is no longer in office.) He said the two prosecutors appeared unaware of Department of Justice policy not to re-present a rejected indictment without providing further evidence. He said he would have dismissed the indictment in any case because "I'm not satisfied with the way your questions were answered. And I think James came on awfully strong on the law." (Mr. James a few months later was appointed to a state district judgeship.) And, contradicting his assistant, he emphasized that we had the right to ask anything we wanted and if the answer was not complete, "Don't indict." Enlightening as this information was, we had to literally drag it out of the Justice Department, and even then it was a third of the way into our term. (A group of us had asked for a briefing from the judge on our rights and duties soon after we were sworn in but it had not taken place.)

The federal courthouse we met in was new and modern, and the jury room luxurious, with upholstered swivel chairs, wall-to-wall carpeting and long blond wood tables forming an "E." In addition to the foreman, a calm, methodical engineer about fifty, our jury included an office manager (the deputy forewoman), a physiologist, a social

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Grand jury proceedings take place in strict secrecy, with only the witness, the jurors, the prosecutors, and the court stenographer present. Vote tallies are never announced.

worker, another engineer (the man who told me we should oppose unjust laws), three housewives, a tree trimmer, two post-office employees, two university students, an auto-insurance employee, a grocery store manager, an electrician, three retired people, and several whose occupations I never learned. Eight were civil servants who received their regular salary but could not collect the $30 juror's stipend. Some of us had to drive up to 200 miles to attend the sessions. The electrician, on an hourly wage, said he lost from $70 to $100 each day he served. He attended regularly, never spoke during sessions, and always voted to indict. As a housewife with teenagers, I was not particularly inconvenienced by the assignment and earned $50 (including mileage) per session. But I disliked the long trip—fifty miles each way—found it unpleasant to be viewed as a troublemaker for trying to do a good job, and, toward the end, lost enthusiasm for a job that was essentially passive, often boring, and for which I was inadequately informed.

I have grave doubts as to how much of a people's watchdog our jury would have been had the roles of the foreman and his deputy been reversed. Their selection by the judge appeared to be more or less random, since he did not interview them prior to the swearing-in ceremony. The deputy forewoman was a tough, domineering office manager, about fifty-five, who invariably supported law and order in the form of government prosecutors and loudly voiced exasperation with questioning that she perceived as antagonistic or nit-picking. She was one of the most persistent and vocal "let the petit jury decide" advocates and admonished jurors for asking questions that "might be embarrassing" if seen on the record. Originally, she viewed the note taking of some jurors with suspicion. Once, when I asked to have a witness's response repeated, she reprimanded me: "If some people would take fewer notes and listen better, they would know what is going on." As the length and complexity of some cases became apparent, and the foreman started reviewing each case from his extensive notes before we voted, she joined the note takers.

We heard testimony in some cases over many months; sometimes we were asked to indict in under an hour. Altogether we handled approximately sixteen cocaine cases, eleven PCP, eight each of heroin and marijuana, four Quaaludes, and a couple each of Dilaudid, Preludin, Tuinal, Demerol, LSD, Valium, and opium. We became familiar with a cast of characters with such names as Whitefolks, BoPeep, Black Billy, Pissy Pimp, Hot Leg Joe, and Big Feet Toots, and our vocabulary expanded to include "up front," "cutting house," "stash pad," "bam," "whack," and "soda."

GRAND JURY PROCEEDINGS TAKE PLACE in strict secrecy, with only the witness, the jurors, the prosecutors, and the court stenographer present. If the witness has a lawyer, the attorney must wait outside the jury room and the witness must leave the jury room to consult him. Deliberations among the jurors take place in private, unrecorded, and vote tallies are never announced. From the length of some deliberations, the prosecutors may have surmised that there was anguish in our jury room, but they never learned of the many split decisions. All they knew was that all but once they got their indictment.

Since the grand jury has a purely accusatory function, grand jurors do not hear both sides of a case and do not determine guilt or innocence. They hear only the government's evidence *against* an individual. They do not have to find a defendant guilty beyond a reasonable doubt, like trial jurors, but only that he *probably* committed a crime (probable cause, as the lawyers call it). Nevertheless, it was nearly two months into our term before a prosecutor read us the definition of probable cause from *Black's Law Dictionary*.

In the first months we had some heated discussions over our duties as grand jurors. There was only the briefest orientation the first day, when a *Handbook for Federal Grand Jurors* was distributed to us. Yet we were dealing with terms like "conspiracy," "aid and abet," and "controlled purchase," not to mention a large array of drugs, without any familiarity with these subjects. To fill the gap, one juror made photocopies for each of us of a *Playboy* leaflet entitled *Major Drugs: Their Uses and Effects*. Eventually a few of us nabbed the chief prosecutor in the hallway and complained of our ignorance. The result of our plea for information was that, four months into our term, a DEA agent brought each juror a forty-page magazine, *Drugs of Abuse,* published by the DEA. And that was all. We never got our briefing from the judge. It was as if we were the first grand jury ever

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impaneled there; there were no provisions for preparing us for our role.

Seated in our plush jury room, we encountered the witnesses disembodied from their violent and sordid world. Occasionally, the perils of drug dealing—and, for that matter, of drug enforcement—were brought home to us with a jolt. Such was the case with one of our witnesses, who agreed to cooperate with the government. Soon after his testimony, we were horrified to learn that he had been drowned in his bathtub by three intruders, who raped his girlfriend as well. Another man never got indicted because he was murdered before we finished hearing testimony.

It therefore troubled some of us when witnesses were sent back into this netherworld to work as undercover operators in exchange for immunity from prosecution or having charges dropped. We were especially worried about a witness called Smith, a rather fragile-looking young black heroin user who was sent back into the employ of Jones, the biggest heroin dealer in the city. The prosecutor told us that during the course of our year-long investigation four murders had been traced to Jones, not to mention the cohort who "knew too much," was run over by a car and shot at seven times, but lived.

When we inquired about Smith's welfare several months later, we were told he was in protective custody; that was the only way to guarantee his survival. Six months later he was still in custody and was scheduled for the "witness protection program." This radical solution to the problem of protecting informants requires a witness to adopt a totally new identity and cut all ties with those who might later identify him—clearly a desperation move. It is a mark of the high cost of cooperating with government drug investigations that we nevertheless had several witnesses who chose to start a new life through the program.

The Jones investigation was unquestionably our major effort and included testimony from several other associates who were taken out of prison and put back on the streets, wearing body transmitters, to sell drugs or make controlled purchases. DEA agents were positioned with cameras and binoculars for weeks; others operated a videotape machine from a camper parked on the street. An agent testified Jones had so much heroin in his "cutting house" he couldn't get enough quinine to cut it all; he also had ten "stash houses" where the drugs were stored.

Eventually, Mr. Carlton presented us with a twenty-four-count indictment against fifteen codefendants. He said fifty police officers were poised to make the arrests immediately after the indictment was returned because they believed a shipment of heroin was coming in. I am sure no juror could remember twelve months of testimony well enough to know if we had sufficient evidence on each of the twenty-four counts and each of the defendants. We had been assured several times during our term that we could ask to have the evidence summarized before voting, or even see transcripts of the testimony, but even minor efforts of this nature proved very time-consuming and did not please the prosecutors. Most of all, any juror who insisted on such a recapitulation would have been very unpopular with his colleagues; the quicker an indictment was returned, the quicker we could all go home.

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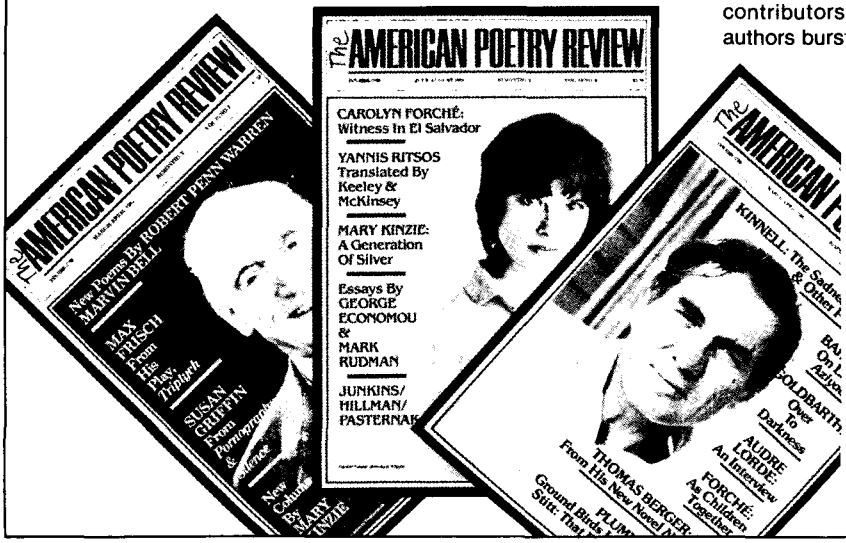
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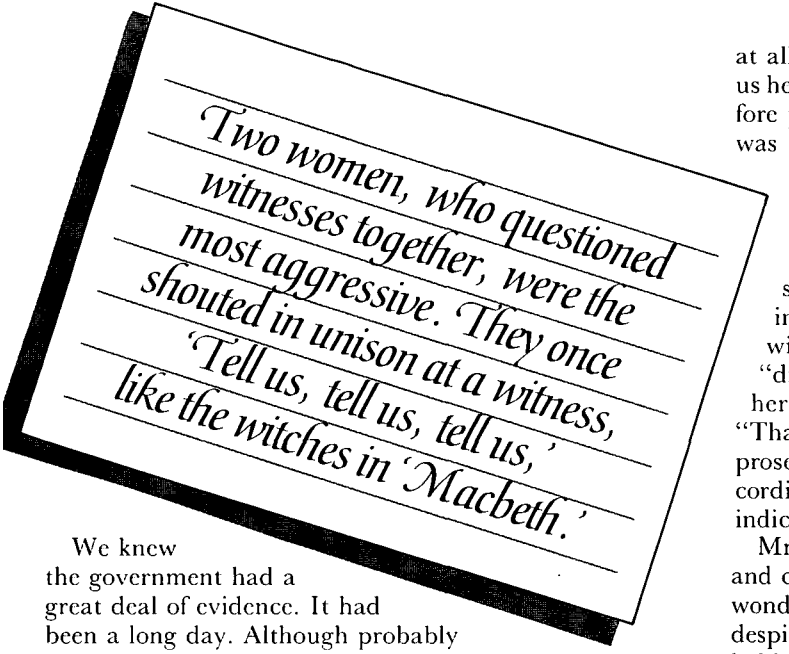
Two women, who questioned witnesses together, were the most aggressive. They once shouted in unison at a witness, 'Tell us, tell us, tell us,' like the witches in 'Macbeth.'

We knew the government had a great deal of evidence. It had been a long day. Although probably not one juror among us had even heard all the witnesses (and there was no formal procedure for informing jurors what occurred on days they were absent), the vote was unanimous on all counts, and I am sure that each juror voted as I did—on trust. In view of the many contradictions we caught the prosecutors in over the months, that may have been a mistake.

Jones was arrested, $1 million bail was set for him, and for a while, we were told, the streets were dry of heroin. Many of us attended his trial a few months later, passing through metal detectors and searches. I was surprised to see that Jones was not fearsome, but rather an ordinary-looking thirtyish black man of medium size and short hair. He was found guilty and eventually sentenced to forty years on various charges.

One exceptional case involved small quantities of marijuana, the type of a case rarely prosecuted in federal courts. Indeed, some defendants were charged with selling "nickel" ($5) bags. It began with the prosecutor asking where each federal employee on the jury worked. It turned out that he had six undercover agents at the nearby Social Security Administration building and didn't want them unmasked. The drug trafficking among employees there was so flagrant, he said, that it could not be tolerated, and the federal government was moving in because local law-enforcement agencies were ignoring the problem. Hundreds of employees were openly selling drugs in the halls, from their desks, in front of supervisors, in the bar across the street, and at a nearby park—all during office hours. The testimony revealed such a beehive of drug dealing and using that it was a wonder anyone had the time or sobriety to send out social security checks. Only eighteen employees, who had dealings directly with the undercover operators, ended up being indicted, including one charged solely with rolling a marijuana cigarette for someone else. (That's distribution, a felony, punishable by five years in prison and a $15,000 fine.) The defendants all pleaded guilty and lost their jobs, but only one went to jail, for four months.

WE ENCOUNTERED ABOUT A DOZEN PROSecutors during our term. Some were brilliant, some crafty and slippery, a number incredibly dull and methodical, and a couple did not seem at all bright. One who was exasperatingly thorough told us he sometimes interviewed witnesses five or six hours before presenting them for fifteen minutes of testimony; he was nevertheless the only assistant to ask if there was anyone we wished to "invite" to testify in a case. Two women, who questioned witnesses together, were the most aggressive, their tactics running the gamut from merely rude to downright offensive. They once shouted in unison at a witness, "Tell us, tell us, tell us," in a scene reminiscent of the witches in *Macbeth*. When a witness balked at giving the name of a friend who "didn't want to get involved," one of them—sprawled in her chair, legs stuck out, sucking on candies—spat: "That's tough! What's her name?" We saw most of the prosecutors over a period of many months, and an easy cordiality grew up. After a while, taking exception to their indictments became almost an act of unfriendliness.

Mr. Ogden, the first chief prosecutor, was very clever and charming; his colleagues referred to him as "the boy wonder." Most of the jurors were quite taken with him despite the fact that when asked to clarify a point it was his habit to smile winningly and respond, "That's just the way it is." When we were puzzled by the charge "aiding and abetting" when there was only one person named in the indictment, Mr. Ogden explained that "the judges want it in." (Some of us had a lot of misgivings about that charge, often added with no one to aid or abet named and no evidence that such actions took place, although another prosecutor said it covered the possibility that codefendants would be added later. For a few weeks, a number of us voted against such indictments but eventually were worn down by its repetitive appearance.) The trouble was, since we were prohibited from disclosing the proceedings to others, we had no one to turn to for legal advice except the very ones we were assigned to watch.

About a year into our term Mr. Ogden was replaced by Mr. Eastman, a less charismatic but equally brilliant prosecutor who had previously been a public defender. When he came on board, he was not reluctant to criticize, by implication, his predecessor. He assured us we would be seeing "more consistency, more structural indictments" in the future.

Indeed, Mr. Eastman was very well organized and thorough. He described the cases before bringing in the witnesses and provided a summing up of lengthy cases before our vote, which did, of course, theoretically enable him to construct a more convincing scenario. He was also frank. When asked why there were fourteen separate counts for illegal distribution of Dilaudid by a pharmacy, one for each month, although actually hundreds had taken place, he answered, "It's solely a matter of my discretion. I could have charged them with fewer or with a count for each separate prescription. The defendants probably won't get consecutive sentences on each count, but it reflects the scope and seriousness of the conspiracy." I was disturbed by this vast discretionary power of the prosecutor. Each count carried a maximum fifteen years' imprisonment and a fine of up to $25,000, and there certainly seemed to be a significant difference between one count and fourteen, or hundreds.

We were shocked later when a federal judge dismissed this indictment on the grounds of misconduct by the original prosecutor, Mr. Carlton. Attorneys for the pharmacists, after reading the grand jury transcript before the trial, accused Mr. Carlton of withholding evidence and deliber-

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ately misleading the grand jury. "Mr. Carlton lied to you," Mr. Eastman explained. "His actions were egregious and terrible." He confessed that he bore some of the guilt, since he had concealed his knowledge of this from us when asking for an indictment.

My notes revealed that Mr. Carlton had challenged the witness—a pharmacy clerk whom he had described to us as "hostile"—by asking: "What if I told you there is no record of such calls?" (from the pharmacist to the doctors to verify the prescriptions). His tone, of course, led us to mistakenly believe the witness was lying.

We never learned if Mr. Carlton was disciplined but he was still around several months later when we said our farewells. As for Mr. Eastman, we were left to speculate as to whether his voluntary confession was conscience-induced or if he feared we might learn his part in it elsewhere.

Although the witnesses invariably had their rights and responsibilities either read or recited to them, the prosecutor frequently interjected qualifications like "You have the right to be represented by an attorney, but I have told you you don't need an attorney, haven't I?" We had no way of knowing, of course, to whose advantage that was. Few witnesses had legal counsel and those who did usually lacked the confidence to stop the proceedings and leave the jury room to consult their attorneys.

They were also cautioned of their legal obligation to testify truthfully and, more often than not, reminded of an agreement that "anything you say will not be used against you." This is so-called use-immunity, which gives the witness immunity from prosecution for anything he says, thus depriving him of the Fifth Amendment right against involuntary self-incrimination. This statute was first passed in 1862, declared unconstitutional by the Supreme Court in 1892, and then revived by the Nixon administration in 1970. It was quickly used to gather information about a variety of political dissenters and activist groups in a type of "Star Chamber secret inquisition," as Senator Edward Kennedy described it, and is still widely used. It enables a witness to be forced to answer all questions—about friends, relatives (except spouses), lovers, colleagues (who might retaliate)—or go to jail for contempt and stay there until agreeing to testify.

We had one particularly sad case of a fifteen-year-old girl who was questioned about her father after her mother refused to testify, and told us poignantly of how she was tired of her father's drug dealing and adultery and how much it upset her mother and herself. We learned of nothing but family problems from her, and I was troubled to think how they must have increased after her testimony.

I was appalled at the government's power through the grand jury to subpoena anyone as a witness and then force them to inform on anyone else. What distressed me nearly as much—and I'm not sure if it bothered any of my fellow jurors—were the rewards given to informants who were just as culpable as those they informed against. The bulk of our witnesses were what Hollywood movies used to portray as "stoolies," and their agreement to "cooperate" was obviously a major prosecutorial tool, paid off in dropped charges or reduced sentences. In one case, a defendant who had been sentenced to seven years agreed to cooperate and had his sentence reduced to time served (one year), while another defendant in the same case refused to cooperate and had his sentence stand.

Sometimes, a prosecutor confided, lesser figures in a drug operation had a pile of charges thrown at them solely to amass a possible sentence long enough to encourage them to cooperate. One defendant was charged with five counts of using the telephone to further illegal activity, each carrying a possible four-year sentence, which were in reality five telephone calls initiated by the DEA agent to ask when he expected the drugs to be arriving. Five jurors refused to vote a true bill because we felt the calls were a form of entrapment, but he was indicted anyway.

GIVEN ALL THE IMPONDERABLES IN THE cases we heard—the prosecutor's vast discretion to punish without mercy while sparing the guilty collaborators, the questionable investigative tactics often used to gather evidence, and the enormous amount of time and money that went into it all—my grand jury experience left me with some grave doubts about the justice of our nation's drug laws.

The last day of our term the U.S. attorney, several of the prosecutors, and the judge thanked and praised us. They even brought us doughnuts. The U.S. attorney said he was grateful for the concern some of us had shown in letters and would welcome additional criticism or suggestions we might like to make to him privately. Mr. Carlton, despite having been under attack several times for his prosecutorial behavior, said we'd asked a lot of good questions and helped him a lot by our conscientiousness. Another prosecutor told us he found the jury's reactions valuable in helping him evaluate if a witness were telling the truth and that we "could have been even more involved." (Now he tells us!)

And then we went our separate ways. Our jury was close to an ideal people's panel in today's world, diverse in age, education, sex, race, profession, and socioeconomic position. Most jurors attended regularly, rarely fell asleep, and carried out their civic duty as they saw it. We had an enlightened foreman to guide us. But my experience convinced me that only the most shameful abuse of prosecutorial power can be stopped by today's grand juries.

There was a great gap between what the law authorized us to do and what could be carried out in practice by even the most committed group of legally naive citizens. I think the Justice Department was interested primarily in placating, not informing, us and perceived our usefulness mainly as a sounding board for prosecutors preparing their courtroom appearances. Not incidentally, we cost the taxpayers hundreds of dollars each day we sat.

The original function of the grand jury in the United States was to serve as "a shield for the innocent . . . a sword against corruption in high places," in the words of a U.S. court of appeals. It is more correctly described today as a shield for the government—the prosecutors', not the people's, panel. The first comprehensive grand jury reform legislation was introduced in 1973; thereafter the American Bar Association issued a twenty-five-point program for grand jury reform, including the right to counsel in the grand jury room, prohibiting use-immunity, and restricting a prosecutor from presenting evidence or making statements that would be impermissible at trial before a petit jury. Congressional hearings on grand jury reform have continued to the present, with bills pending in the Senate and the House of Representatives. No previous bill has ever gotten past the subcommittee stage; the same fate is expected for these. The Justice Department has steadfastly opposed all grand jury reform.

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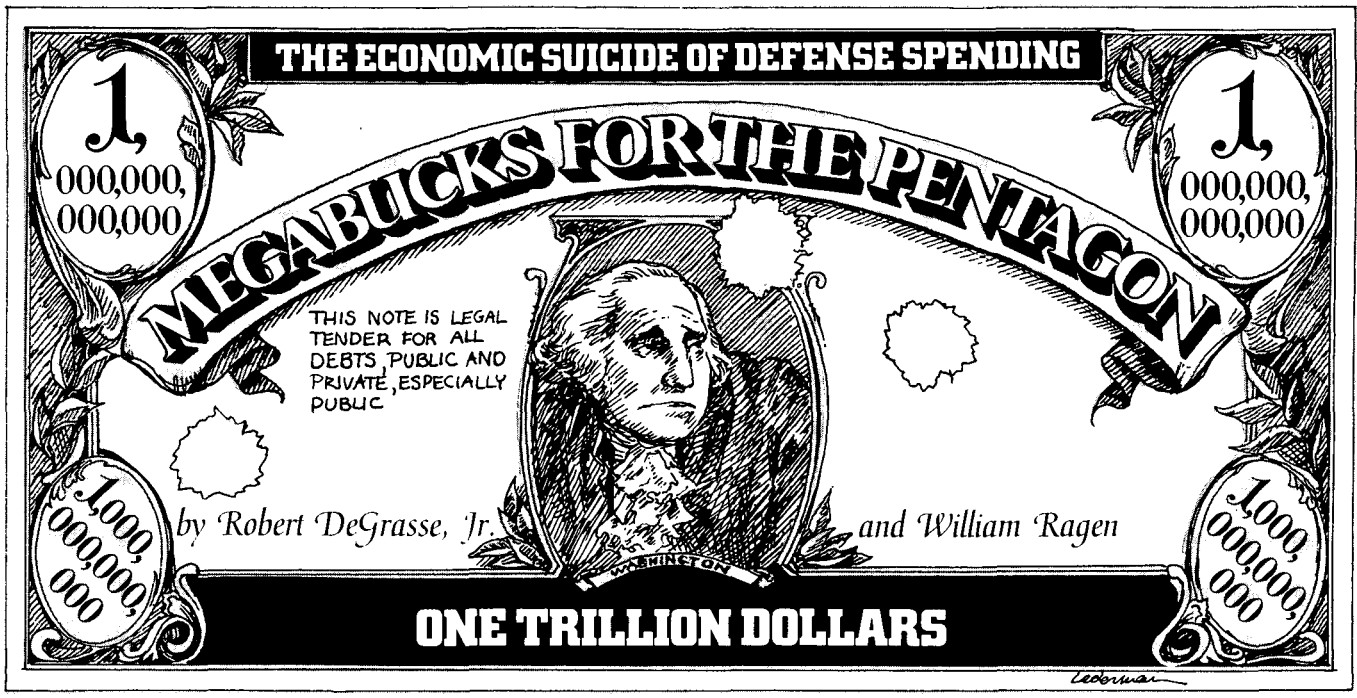
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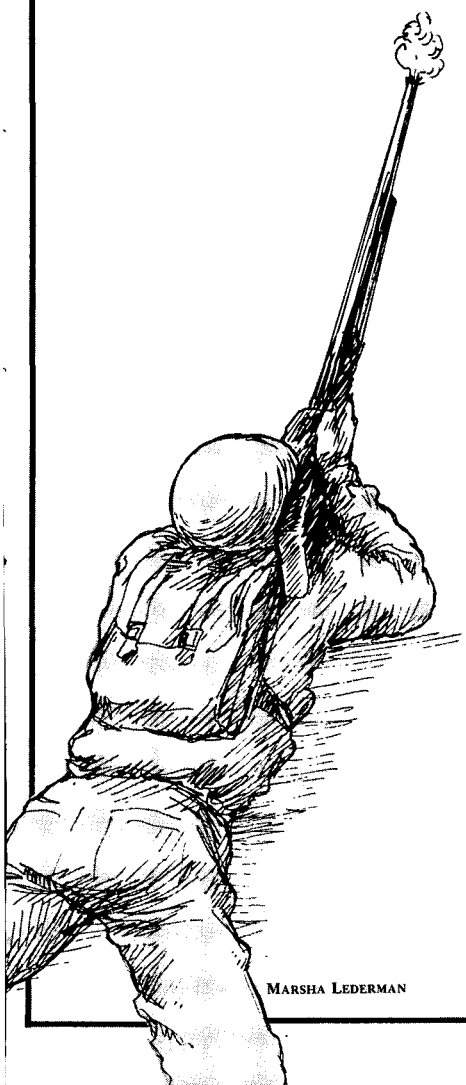

MARSHA LEDERMAN

A GROWING CHORUS OF voices is attacking President Reagan for drowning the budget in red ink to pay for the largest peacetime arms buildup in the history of the Republic. The president has asked Congress to approve a $258 billion defense budget for 1983 as part of a $1.6 trillion five-year rearmament program. At the same time, many budget analysts are predicting that the federal deficit will exceed $100 billion *annually* over the next few years.

Indeed, the supply-side optimists should be running for cover. The Pentagon's arms buildup will place a staggering burden on the federal budget and on all of us taxpayers. Specifically, it will cost each American household $20,000 over five years. By 1986 defense costs will consume over *75 percent of the budget,* excluding separately financed trust funds (like social security) and interest payments on the already-existing federal debt. Thus soaring federal deficits can be traced in large measure to the Pentagon.

The combination of increased military spending and twelve-digit deficits poses some serious threats to our economic well-being. By bidding up interest rates and crowding out private borrowing, federal demands for credit could choke off the investment our economy needs in order to grow again. By concentrating the largest increases in the defense budget on the procurement of missiles, ships, and tanks, the Pentagon will siphon off critically important engineers, technicians, and scientists from civilian high-technology industries. Shifting these human and financial resources to arms production could cripple the competitiveness of American firms in innovative fields like microelectronics and information processing.

Expanding weapons procurement will not even cut the unemployment rolls. Most of the jobs created by the development of sophisticated weapons cannot be filled by the people most in need of work—production and service employees. Instead, the majority of jobs will go to highly skilled workers who already enjoy a 'full employment' rate. By taxing the civilian sector to support weapons spending, the Pentagon may even be eliminating more jobs than it creates.

As if this were not enough, it is questionable whether the buildup is either possible or necessary. There are good reasons to believe that we do not have the industrial capacity necessary to produce the weapons the Pentagon plans to order. There has been little

ROBERT DEGRASSE, JR., and WILLIAM RAGEN work at the Council on Economic Priorities. They are coauthors, along with Paul Murphy, of a new report, The Costs and Consequences of Reagan's Military Buildup, *commissioned by the International Association of Machinists and the Coalition for a New Foreign and Military Policy.*

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planning to provide the necessary labor and materials for the buildup. Backlogs created by new defense orders may simply drive up the prices of high-technology goods. Still, the administration seems to have no qualms about giving our military bureaucrats more and more money to throw at our defense problems. The Pentagon need only point to the greatly exaggerated Soviet threat to make the administration and Congress fork over vast new sums for our own bloated military.

A Catch-22 in the Credit Markets

Despite the administration's devotion to supply-side economics, Pentagon officials have conveniently embraced old-fashioned Keynesian economics in an attempt to quiet the concern about the economic consequences of the arms buildup. Secretary of Defense Caspar Weinberger recently told the National Press Club in Washington that "at least 350,000 jobs are at stake and will be lost if there are drastic cuts" in the defense budget—a theme he has repeated in speeches around the country.

Yet instead of stimulating the economy, increased military spending has led us into a classic Catch-22 situation. The government has two options for financing its bulging deficit. On the one hand, the Federal Reserve Board can create new money. This method was used to pay for the Vietnam War and helped set off the spiral of inflation that still plagues our economy. Paying for the current buildup this way would be a sure prescription for renewed double-digit inflation that would send interest rates through the roof. On the other hand, the Treasury can dip into the credit markets to borrow the billions of dollars it needs. Since the Fed is now trying to pursue a policy of low money growth, this option will probably be used. Yet by competing with the private sector for credit, the government also pushes up interest rates.

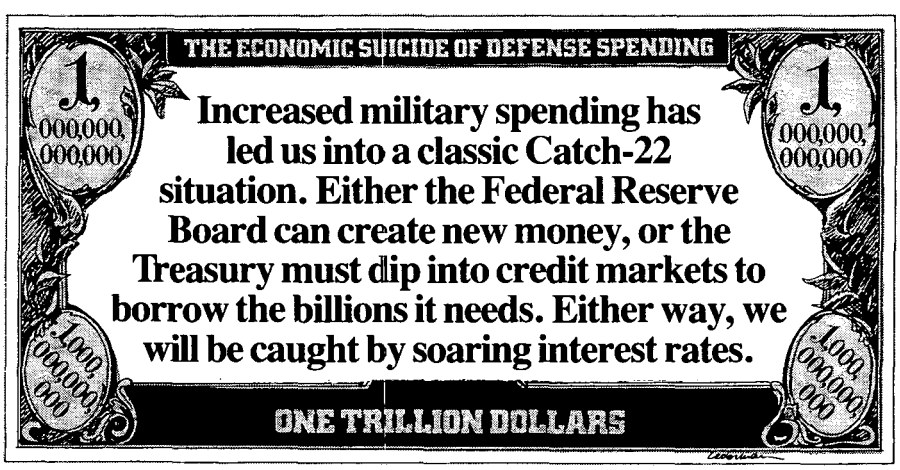
Either way, we will be caught by soaring interest rates. High borrowing costs punish the consumer, discourage investment, and severely impair economic growth. Higher mortgage rates and consumer credit costs hit all of us directly. We also pay indirectly because businesses pass along at least some of their increased borrowing costs in the form of higher prices.

Many firms will be crowded out of the credit markets simply because they cannot afford the high costs of borrowing. Especially hard hit will be small and medium-sized businesses that have less access to credit and must, in any case, pay higher rates than large corporations. This is particularly damaging because smaller firms tend to be the most efficient producers of new jobs and product innovations. And if American companies fail to invest in modern, efficient methods of production, their goods will become less competitive in world markets.

Declining Competitiveness

President Reagan has undertaken the largest sustained peacetime arms buildup in our history at a time when U.S. economic growth is lower than it has been in four decades. In large measure America's economic decline has resulted from slipping international competitiveness. Since their heyday in the 1960s, American companies have lost important segments of the auto, steel, and commercial electronics markets to foreign competitors like Japan and West Germany. Our aging industrial plants and equipment have become less efficient than their newer foreign counterparts. Inefficient U.S. firms pass along higher costs to consumers, while lower productivity and reduced competitiveness in the international market also mean lower wages at home.

The military burden has already contributed significantly to America's declining competitiveness. The U.S. economy devotes a larger share of its output to the military than do its competitors, and as a result fewer dollars have been available to modernize outdated industries and develop new products. In evaluating the effect of military spending on the economic performance over the past twenty years of thirteen advanced industrial nations—the United States, Canada, Austria, Belgium, Denmark, France, West Germany, Italy, the Netherlands, Norway, Sweden, the United Kingdom, and Japan—we found that the nations that spent a larger share of their total economic output on the military generally experienced slower economic growth than those that spent less. The United States, for example, devoted the highest average percentage of its output to the military while experiencing the third lowest growth rate. Great Britain had the second highest military effort and was last in growth. Japan, Canada, and Austria, and other countries that devoted smaller shares of their total output to military spending had higher rates of growth. This is not to imply that military spending is the only factor influencing economic growth, or that there are not exceptions. France, for example, has maintained relatively high economic growth and high military spending over the last twenty years, while Denmark was low on both counts. There is, however, a definite statistical connection between high levels of military spending and low economic growth.


THE ECONOMIC SUICIDE OF DEFENSE SPENDING
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Increased military spending has led us into a classic Catch-22 situation. Either the Federal Reserve Board can create new money, or the Treasury must dip into credit markets to borrow the billions it needs. Either way, we will be caught by soaring interest rates.
ONE TRILLION DOLLARS

How could higher military spending decrease economic growth? The most reasonable explanation is the negative relationship we found between capital investment and spending for arms. New, more efficient plants and equipment are critical to improving the competitiveness and long-term growth of U.S. industry. Yet our cross-national comparison shows that higher military spending

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tends to sap a country's rate of capital investment. The U.S. investment level ranks last in this comparison, and Great Britain comes in second lowest. Japan and Austria, the two countries with the lowest levels of military spending, are first and third respectively in capital formation.

One of the principal effects of low investment is slow growth in productivity. Here, too, we found that growth in output per manufacturing employee is higher in nations with lower military burdens. While the United States still enjoys the highest level of output per employee in the world, many of our industrial competitors are catching up; our yearly productivity increase was the lowest among the nations compared.

Civilian Spinoffs

Advocates of higher military budgets, including Secretary Weinberger, have contended that increased military spending will stimulate research and development in high-technology fields, resulting in civilian spinoffs. During the past two decades, however, U.S. industry has had a poor record of translating advances in military technology into competitive civilian products. For example, while military research money financed the development of solid-state integrated circuits, it was the Japanese who successfully used the new technology to decrease the cost of radios, television sets, and new videocassette recorders. Although the aerospace industry was almost entirely the creation of U.S. military know-how, a European conglomerate, Airbus Industrie, has recently made substantial inroads into the civilian-air-carrier market. At the same time, Lockheed and perhaps McDonnell Douglas are halting production of civilian aircraft. Soon Boeing may be the only American firm challenging Airbus Industrie.

Military technology is becoming less and less appropriate for commercial applications, which emphasize economy and reliability over advanced, state-of-the-art performance. For example, current military requirements are pushing U.S. development of computer chips in the direction of higher speed at much higher cost. At the same time, Japanese manufacturers are developing cheaper, very reliable chips with greater storage capacity. In a market the United States once dominated, 70 percent of the latest generation of civilian memory chips sold in the United States are now built in Japan.

To regain their competitiveness abroad, American businessmen will have to forsake the crutch of military contracts and plunge ahead on research, development, and production in areas that promise good commercial payoffs, instead of hoping for spinoffs from military technology. The outlook for such a shift in priorities isn't promising, however, because of spending patterns set by Washington. Currently we spend about 27 percent of all public and private R&D funds on military projects, and at least 20 percent of the nation's scientists and engineers have been diverted to military research and production. During the past two decades, the share of GNP devoted to civilian R&D was lower than that in France, West Germany, the United Kingdom, and Japan. On the other hand, the American share of GNP spent on military R&D was over twice as large as that of our closest competitor, Great Britain. In his recent book *America's Technology Slip,* Simon Ramo, a founding member of the TRW Corporation, estimated that "In the past thirty years, had the total dollars we spent on military R&D been expended instead in those areas of science and technology promising the most economic progress, we probably would be today where we are going to find ourselves arriving technologically in the year 2000."

Military Jobs: Opportunities Lost

As with every previous government since World War II, the Reagan administration has stressed the economic benefits of defense spending, particularly its potential for creating jobs. Yet mounting evidence shows that jobs created by the military are at best a mixed blessing because they require specialized skills, are concentrated in only a few geographic regions, and are less numerous than their civilian alternatives for every dollar spent.

By helping to pull the economy out of the Great Depression, World War II left a strong impression in the minds of many business and political leaders that military spending was an effective antidote to recessions. High levels of defense-related capital investment spurred economic growth during and after the war. The "Cold War consensus" in support of high military spending that grew out of this experience led some economists to argue that capitalist nations actually require defense spending to offset persistent unemployment. Secretary Weinberger, to judge by his recent speeches, seems to agree.

This thesis, however, does not stand up under scrutiny. High levels of military spending generally correspond with greater unemployment among Western industrial nations. Over the past two decades nearly every Western European country spent less of its GNP on defense than the United States, yet maintained a lower rate of unemployment. This data suggests, indeed, that military spending *damages* employment in the long run by distorting the allocation of economic resources.

Military employment carries with it a high "opportunity cost" in terms of civilian jobs forgone, research delayed, and investment crowded out. While military spending creates some jobs, almost any alternative use of the same money would create *more* jobs. A growing body of research shows that this opportunity cost is high:

- Chase Econometrics performed an analysis of the B-1 bomber program for Rockwell International during the first debate over this system. Using a large and sophisticated model for the economy, Chase compared the effects of the B-1 expenditures with a tax cut. Over five years the tax cut yielded 30,000 more jobs than the B-1.
- More recently, economist Gail Shields of the Council on Economic Priorities used the Bureau of Labor Statistics' input-output model of the U.S. economy to compare the job-creating potential of the MX missile with a range of alternative industries. Money spent in civilian industries creates from 5 to 54 percent more jobs than in defense.

The major reason why military spending creates fewer jobs than most civilian alternatives is the production of arms requires a greater concentration of highly skilled, well-paid engineers and technicians than does civilian industry. In his recent book, *The Defense Industry,* Jacques Gansler found that the ratio of production workers to the total work force in key defense industries is considerably less than in U.S. industry as a whole. On average, *nine* out of every ten jobs created in U.S. industry are production jobs, but in areas such as guided mis-

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siles and electronic communication, only *three* jobs out of ten go to production workers, and in aircraft just *five* out of ten. The Air Force is now engaged in research to develop a highly automated "factory of the future" for aerospace production that will further reduce labor input and increase the capital intensity of arms production.

It is thus a mistake to depend on Reagan's military buildup to stimulate employment. Defense dollars are likely to simply bid up the price of already employed technicians, engineers, and managers. People most in need of jobs—trade, industrial, and service workers—will largely be bypassed in the military boom. In addition, the buildup will exacerbate the shift of jobs from the Frostbelt to the South and West. The arms buildup will therefore magnify our employment problems instead of solving them.

Overloading the Economy

President Reagan plans to increase military spending by 52.8 percent between 1981 and 1986 in inflation-adjusted, constant dollars. This expansion will be greater—by six percentage points—than for the Vietnam War buildup between 1965 and 1968. Inflation more than doubled in those years (1.7 percent to 4.2 percent), because new defense demands were added to an already hot economy, and were paid for with new money. Yet administration economists contend that we can absorb substantial new military spending this time because the recession has idled many industries and created high unemployment. They believe sufficient resources can be diverted to arms expansion without stimulating new inflation.

Contrary to the administration's predictions, however, production bottlenecks might create serious consequences for the economy. Authorizations for arms procurement are slated to grow by over 90 percent in constant dollars between 1980 and 1983, versus about 60 percent during the Vietnam mobilization. As we climb out of the recession, these new military contracts will bid up prices in the high-technology sector. Rapidly increasing military demands, and the ensuing inflation, could distort prices in fields such as information processing and civilian aerospace. As military needs push up costs, U.S. high-tech products will become less competitive in a rapidly changing international marketplace, strangling a sector many economists hope will provide a stimulus for growth during the 1980s.

Prior to the current recession, the limited supply of highly skilled workers and specialized production facilities was making the production of high-technology military products difficult. "Serious bottlenecks and choke points . . . adversely affect the Defense Department's ability to procure military equipment in a timely, efficient, and economical manner," reported the Defense Industrial Base Panel of the House Armed Services Committee during the fall of 1980. While the "prime" military contractors report that they can handle additional work, they are held up by long wait times for subcomponents and raw materials.

Backlogs in military production have reached critical levels. For example, the delivery span for castings and forgings grew from forty to sixty weeks during the past four years. Wait times for nickel steel, titanium, and stainless steel increased from twenty to between fifty and eighty weeks during the same period. Unfilled defense orders totaled $63 billion early in 1981, up 30 percent from 1980 and 80 percent since early 1978.

Arms production has also created a "seller's market" for highly trained employees. The Armed Services Committee panel found "'headhunters' are being paid $1000 or more for recruiting engineers and computer professionals, machinists, and other skilled workers. . . ." At a time when aerospace employment is approaching levels attained at the peak of the Vietnam War, the National Tooling and Machining Association (NTMA) estimates that there is a shortage of 75,000 skilled workers. By 1985 the NTMA predicts that the number of unfilled positions could reach 250,000.

These pressures have pushed prices higher for military products. Recent estimates of the inflation rate for defense goods range between 10 and 20 percent. In specific areas the rates are considerably higher. The Defense Science Board panel found that cost increases in major subsystems like jet engines and electronic memories ranged from 14 to 35 percent for 1979–1980. For critical raw materials like titanium and copper, inflation was anywhere between 38 and 650 percent.

While each of these problems—production backlogs, the shortage of skilled labor, and defense inflation—subsided somewhat during 1981, they will reappear if and when the economy rebounds from the current recession. By again running massive deficits while expanding the military budget, we risk repeating the Vietnam experience. This time, however, we may never be able to recover the edge we lose by devoting substantial high-technology resources to arms research and production.

Is This Buildup Necessary?

While the economic and social costs of building up the military are great, proponents of expanded arms budgets argue that national security is worth the price. But advocates of fat Pentagon budgets have, in time-honored fashion, exaggerated the threats we face.

For example, the administration's case for boosting military spending rests largely on the assertion that the Soviet Union has spent considerably more than the United States on the military over the past decade. Yet Western nations, united through the North Atlantic Treaty Organization (NATO), have substantially outspent the East's Warsaw Pact—even according to CIA figures, which overestimate Soviet spending. This is true because the Soviets account for over three-quarters of the Warsaw Pact's expenditures while America accounts for just over half of NATO's total.

Other, more direct ways of comparing U.S. and Soviet military strength can also be misleading. Advocates of greater military spending often cite three critical areas in which Soviet forces outnumber their American counterparts: nuclear-weapons launchers, military personnel, and naval vessels. In each case, however, the comparisons are taken out of context and, when properly interpreted, do not support the claim that the Soviet Union is militarily superior.

While it is true that the Soviet Union has more launchers (missiles, bombers, and submarines) for strategic nuclear weapons than the United States, America holds a significant lead in the number of deliverable nuclear warheads (9500 to 7800). This lead results from placing multiple warheads on each launcher.

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As Henry Kissinger explained after negotiating the first Strategic Arms Limitation Treaty, it is warheads and not launchers that kill people. American warheads are also less vulnerable to a surprise attack than the Soviet's since more than two-thirds of ours are in hard-to-find submarines and bombers. On the other hand, more than two-thirds of the Soviet strategic-nuclear-weapons force is located in fixed-silo land-based missiles, most of which the United States will theoretically be able to destroy with a first strike if we deploy the MX missile system.

Even though the Soviet Union has a substantially larger number of soldiers than the United States, total troops from all the NATO countries outnumber Warsaw Pact forces by 4.9 million to 4.8 million. Moreover, since the Soviet Union devotes about a quarter of its armed forces to protecting the long and hostile border with China, the ground troop count in Europe favors NATO by about 400,000 men. And while the Warsaw Pact has a substantial lead in tanks, NATO has a much larger number of antitank weapons and more advanced tactical aircraft.

In the naval balance as well, NATO forces are stronger than the Warsaw Pact. NATO has 403 major surface fighting ships; the Warsaw Pact has 281. The numerical comparison only favors the Warsaw Pact when small coastal-patrol and mine-warfare vessels are included. In numbers of aircraft carriers, NATO exceeds the Warsaw Pact by 13-2. The NATO advantage is even greater when comparing total tonnage, which is probably the best single measure of naval strength, since it reflects the range and staying power of combatant ships and the carrying capacity of cargo transports. Whether you count all ships or just major vessels, NATO has a 2-1 lead in the tonnage displaced by its navy.

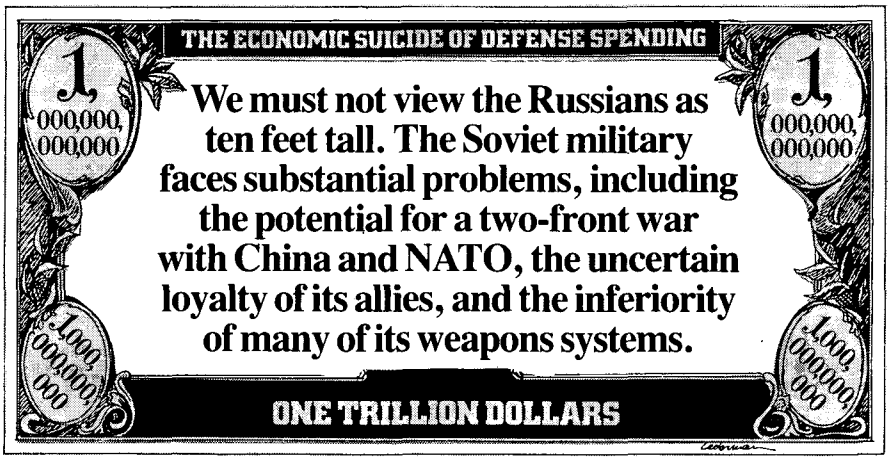
Numerous other factors affect the overall military balance, including geography and loyalty of allies. While a thorough examination of these issues is beyond the scope of this article, we must not view the Russians as "ten feet tall." The Soviet military faces substantial problems. They include the potential for a two-front war with China and NATO; the isolation of their naval fleets from major oceans; the uncertain loyalty of their Eastern European allies; and the technological inferiority of many of their weapons systems.

Behind the Pentagon's buildup lies a disturbing irony: All the new weapons might not even add to our national security, because the military has failed to define clearly the purpose for buying them. While expensive and sophisticated weapons are often advertised as being capable of destroying many Soviet weapons for each American one destroyed, at budget time advocates of higher military spending complain that the Soviet Union has a substantial numerical lead. The American people are being asked, in effect, not only to finance extremely sophisticated and costly weapons, but also to match the Soviet arsenal tank for tank.

For many conventional weapons, technological sophistication has become more important than the mission they were designed to fulfill. Complexity, however, decreases reliability and increases cost. In the winter of 1981 Senator Sam Nunn (D-Ga.), disclosed an internal Pentagon report suggesting that buying complex weapons may actually erode the combat readiness of U.S. forces. The report, prepared by Franklin Spinney, a civilian analyst for the Pentagon and a former Air Force officer, found that high-tech arms create a form of "organizational cancer." Weapons are purchased without considering how difficult it will be to keep them operational; this raises their maintenance costs and reduces their effectiveness. In his recent book, *National Defense*, James Fallows concludes that "if tanks, missiles, ships, and airplanes continue to grow geometrically in cost and complication, that fact will render meaningless our other decisions about defense, as complex weapons take longer to build and pay for."

If the procurement of weapons by the Pentagon is frequently irrational, that is primarily because the process is controlled by those who have the most to gain. Firms dependent on military contracts, members of Congress from districts and states representing these firms, and Pentagon procurement officials—all have a vested interest in building great quantities of new weapons. Without a coherent national defense policy that clearly defines and limits the missions for which we develop weapons, political pressures will insure that new systems will continue to be produced, whether they increase our national security or not.

If this powerful corporate-state alliance—the hoary "military-industrial complex" that President Eisenhower warned us about—has its way, it is conceivable that the Pentagon could finally have the best of both worlds: overwhelming numbers of the most sophisticated weapons. But that victory would be exacted at an enormous price. Under the weight of all these weapons the U.S. economy would surely sink from sight in a sea of red ink. "National security" would become a meaningless euphemism if the American economy—and the larger society—were sacrificed on the altar of bloated Pentagon budgets. The United States simply cannot afford the extravagance demanded by the military lobbyists. Either we turn the budget around now, or we face an increasingly bleak future for ourselves and our children.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THE KENNEDY IMPRISONMENT: A Meditation on Power, by Garry Wills. Atlantic–Little, Brown, 310 pp., $14.95.

Sons and lovers

ROBERT SHERRILL

GARRY WILLS, A JOURnalist-professor who has over the years delved into a hogshead of characters ranging from Thomas Jefferson to Jack Ruby to Richard Nixon, now takes on the Kennedys. The Kennedys. The result of his labor is rather ironic. On the one hand he evidently wants to get rid of all the romantic bunting wrapped around the Kennedy myth, wants to lay them out—John, Robert, Edward—as naked as a coroner might, wants to reduce them to plain mortality. But on the other hand Wills tends to cancel out that effort with his technique of interpreting their lives as though they were out of classic mythology or Gothic novels. Here are dark forces at work within the Kennedy psyche, chaining them to Promethean repetitions of pain, forcing them to push a Sisyphean burden of machismo and charisma forever uphill. Of Teddy he writes, "Once brother drew on brother for fresh strength; now brother drains brother, all the dead inhibiting the one that has lived on. Edward has managed to outlast three brothers without ever catching up to one of them. Just as he seems to overtake them, their glory either recedes from him, or fades in the public's eye." And witnessing Teddy during the 1980 campaign Wills likens him to "the last climber in a human chain going up a mountainside, tied to the prowess of the four men above him. But then, in rapid succession, all four men fell, and the very strength that had been drawing him upward now hung a dead weight below him. Each time he stirred to go higher, he just slipped back. The 'Kennedy legacy' had become a very literal burden, made his life a constant labor with death."

Here is the stuff of romance, of myth. And there's more. When Wills refers to "the Kennedy imprisonment," he means a variety of things—that the Kennedys are prisoners of their past, prisoners of their passions, of their training, of their genes, prisoners of their reputations. All of which is true for them as it is for each of us, I suppose, in a way; but the theory is a bit rich for the normal voting-booth appetite. Besides, it lets them off the hook. If they have acted only as "prisoners," and did not act from free will, then how can we blame them for their failures? I'm afraid the "prisoner" theory indicates that Wills himself is still hooked on the Kennedy mystique.

But *The Kennedy Imprisonment* is valuable when it plows again the rich realistic dirt other writers have plowed before, some of them much more originally—Clay Blair, for example, and Harris Wofford, from both of whom Wills borrows generously. Will we ever be able to get enough realistic appraisals of the Kennedys to counteract the kind of mush that some writers pumped into the Kennedy presidency and other writers pumped into the post-assassinations legend? Not likely. Wills quotes from some of these mushheads. Theodore White on President Kennedy's telephone: "The telephone is silent—it rings with few or no incoming messages, it quivers, generally, only as he exerts his will through it." Ted Sorensen on the Oval Office: "The whole White House crackled with excitement under John Kennedy, but the soundproof Oval Office, the very center and stimulant of all the action, symbolized his own peace of mind." The nimbus painted over the Kennedy name by the Whites and Sorensens and Hugh Sideys has driven Wills into a wonderful fury. Sitting atop his hillock of busted icons, he forces us to take our eyes off the eternal flame and ask this commonsense question: Are not the Kennedys the most overrated politicians in our history?

Can you think of anything politically significant, politically impressive, that Edward Kennedy has done in the twenty years he has been in the U.S. Senate? What is there to say of him? Wills says it all: Teddy is brave. He goes on mingling with the unwashed even though he knows very well there are all sorts of kooks out there in the shadows just itching, as Teddy says, "to shoot my ass off." Brave, yes; but what else? Not much. He has become what Transylvanians call the living dead. Wills puts it this way: "Because of Kennedy's determination, there is a wounded youthfulness about him that deceives. He will be the kid brother till he dies.... The proper sequences have been irrevocably mixed. He is allowed neither youth nor age, neither death nor fully living."

And how is Bobby best remembered? For his dangerously hysterical desire to "get" Castro; for his equally hysterical and clumsy vendetta against Jimmy Hoffa (as Victor Navasky once wrote, "Never in history had the government devoted so much money, manpower, and top-level brainpower to a misdemeanor case"); for his knuckling under to J. Edgar Hoover when he could just as easily have swept out the old snooper; and for his very mixed, and late-blooming, service to civil rights.

As for John, Wills feels it's time we admitted that Camelot was "a fabric of political unreality," that Jack was really pretty trashy and, from all evidence, not very bright. Forget the bogus *Profiles in Courage;* forget the bogus *Why England Slept.* Even the best ghost writers and teams of literary tidy-uppers do not a literate Kennedy make. From the very beginning Harold Laski noted the Kennedy trademarks: immaturity, intellectual sloppiness, superficiality. As a thinker Kennedy felt most at home with the

ROBERT SHERRILL is the author of The Last Kennedy: Edward M. Kennedy of Massachusetts, Before and After Chappaquiddick.

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lightweight adventure tales of John Buchan. According to Kennedy's good friend Ben Bradlee, there was nothing he enjoyed more than wasting his time listening to dirty sex stories. In his House and Senate careers Kennedy was so memorably lazy as to leave scarcely a record. As president he was often ill-informed, ill-prepared, smug, arrogant, frivolous, and—especially when it comes to conducting foreign affairs—far out, man! Wacky. (If you think that an extreme judgment, go back and read the newspapers from 1961 to 1963, before the legend took off.)

Wills makes the case effectively with brief reviews of three episodes.

■ *The Bay of Pigs.* Kennedy's aim from the moment he entered the White House was to abolish the kind of stodgy, cautious "government by committee" that had kept the Eisenhower administration from being very creative—but also had prevented it from making any terrible mistakes. Committees tend to sift out unusual or daring proposals; Kennedy was eager to "consider even risky or bold new courses." Indeed, the bolder and riskier, the better; as Wofford pointed out, "The president was open to any view, any analysis, any person, no matter how iconoclastic, with one limitation: Kennedy did not want to be bored."

VINT LAWRENCE

He considered Chester Bowles, one of the more ethical officials at the State Department, to be boring; Bowles opposed the Bay of Pigs invasion on moral and legal grounds, so Kennedy barred him from his council. Richard Bissell, the CIA's chief of covert operations, was looked upon by Kennedy as an exciting fellow; he was put in charge of the Bay of Pigs operation. Never mind consulting with the Army, Navy, Air Force, or Marines—Bissell's raiders would be enough. Kennedy followed this egotistical hallucination to the bitter end, and even after the disaster Kennedy was apparently so grateful that Bissell's boneheaded strategy hadn't been boring that he awarded him the National Security medal, the nation's highest intelligence honor.

Kennedyites tried to blame it all on Eisenhower. Their president, they claimed, was only following a scheme he had inherited from Ike. But "if Kennedy, inheriting an Eisenhower plan, was forced to go ahead with it despite misgivings," Wills asks, "why did he not question Eisenhower about the operation after he took office? Make the master answer his doubts? Explore the possibilities of failure with the man who supposedly stood behind the plan? Kennedy did nothing of the sort."

Unsuccessful at blaming Eisenhower, the Kennedyites tried to salvage something from the Bay of Pigs by claiming that Kennedy had "learned" a great deal from it. Roger Hilsman, the State Department devotee of counterinsurgency, said that "through this comparatively small disaster" Kennedy "learned the lessons that enabled him to avoid a much greater, nuclear disaster a year and a half later by managing the Cuban missile crisis with such a sure and steady hand," which made the price of the lesson "cheap." Kennedy himself said, "It's a hell of a way to learn things, but I have learned one thing from this business, that is, that we will have to deal with the CIA."

Thenceforth, as a safeguard, he vowed he would involve Bobby in all major foreign-policy, intelligence, and defense decisions. This was like putting an arsonist in charge of the gasoline pump. The only lesson Bobby—a counterinsurgency fanatic—drew from the Bay of Pigs fiasco was that

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brother John should have gone further; in fact he told General Maxwell Taylor with regretful hindsight that "the president would have gone as far as necessary for success had he known in time what had to be done."

■ *The Cuban Missile Crisis.* A central part of the Kennedy legend is that the president showed magnificent coolness and restraint—the "sure and steady hand," in Hilsman's words—while forcing Russia to withdraw the missiles it had sent to Cuba. The most adulatory description of Kennedy's conduct comes, not surprisingly, from Arthur Schlesinger, Jr., the giddy bard of the New Frontier: "It was this combination of toughness and restraint, of will, nerve, and wisdom, so brilliantly controlled, so matchlessly calibrated, that dazzled the world." Oh, boy.

Restraint? Wisdom? Wills notes that "Kennedy ruled out, instantly and without discussion, open diplomacy as a means of settling the crisis," although open diplomacy would not only have given the Russians a face-saving out, but would also have shown our allies that we were not adventurers.

Why didn't Kennedy, if he were so wise and restrained, offer the Russians a swap?—he'd pull our missiles out of Turkey if Khrushchev would take their missiles out of Cuba. Adlai Stevenson suggested it and Kennedy immediately leaked to the press that he considered Stevenson to be a sissy, a sellout. And yet logic clearly supported such an exchange. "Kennedy had already ordered the Turkish missiles removed," writes Wills, "and mere procedural delay had kept them in place to this point." The missiles were, as one expert said, "obsolete, unreliable, inaccurate, and very vulnerable—they could be knocked out by a sniper with a rifle and telescopic sights."

But the swap offended Kennedy's bullying nature. "Macho appearance, not true security, was the motive for Kennedy's act—surely the most reckless American act since the end of World War II." He felt he must do nothing that might be interpreted as submission; conversely, he felt he must make Khrushchev eat dirt, even if it meant risking nuclear war. "The restraint, then, was not shown by Kennedy, but by Khrushchev." That can't be said too often: The hero of the missiles crisis, the guy who was gutsy and sane enough to take the heat at home in order to protect the world, was Khrushchev.

■ *Vietnam.* One of the central pillars supporting the temple of Kennedyism is the doctrine that Jack, who had sent 16,000 troops to Vietnam, would have pulled them out shortly after being reelected. In the March issue of *Harper's* magazine, Schlesinger again recites the old catechism about Kennedy's plan for "the phased withdrawal of American military personnel in Vietnam by the end of 1965—the plan that Kennedy instructed the Defense Department to formulate in July 1962, that became policy in May 1963, that led to the withdrawal of 1000 advisers in December 1963 (Kennedy adding, 'That means all the helicopter pilots too'), and that was canceled by Johnson on March 27, 1964."

Is there any solid evidence that Kennedy would have pulled out any more than that thousand? No. But there are quite a few clues that he would have stayed in. For one thing, he and Bobby and their crowd, and their journalistic sycophants, were *proud* that we were involved in South Vietnam's affairs. "A speech written for Kennedy's delivery on the day he died boasted that he had 'increased our special counterinsurgency forces which are now engaged in South Vietnam by 600 percent.' The administration was still presenting Vietnam as a symbol of Kennedy's success in the books writen just before his death." Wills says Hugh Sidey of *Time,* making points with Kennedy, had listed as one of the president's breakthrough achievements that "in Southeast Asia the enemy had been engaged on his own terms, and though there still was no victory in Vietnam or Laos, we were no longer losing." Kennedy lapped up that kind of flattery.

WILLS IS CONVINCED that Kennedy would have stayed in Vietnam—as Wills thinks he was held in the Bay of Pigs plot—because he "was a prisoner of his own rhetoric," he was "a prisoner of his own taste for crisis, for being in the midst of action." Intoxicated by those things, yes. But a prisoner? I don't buy that at all. If Wills will say instead that a deficiency of mind and character left Kennedy unable to overcome a kind of neanderthal pride, a kind of loincloth stupidity, he won't get any argument from me. But let's drop that "prisoner" stuff. It makes him seem too much the victim, rather

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than the victimizer. Likewise, Wills goes too far in saying that Kennedy was the prisoner of the nation's military strength—"acquiring a 'capability' chained one to its use, so that decision became a kind of resignation to the inevitable." Surely not. Surely we should be able to expect our leaders to change their course even after a program is underway, when evidence of its error mounts high enough. Wills makes it sound as though actions cannot be reversed after a certain momentum has been reached. By God, the politicians don't sound that helpless when they're asking for our votes.

Wills is especially persuaded that Kennedy was prisoner of a craving to perform with machismo, "ballsiness," in war as in love. It was this impulse, says Wills, that drove him to take risks and to pant after risk-takers—CIA "special action" teams, Green Berets, and so forth. "People around him were constantly challenged to display their macho. Those who advised against the Bay of Pigs invasion, Harris Wofford has revealed, were mocked by the president for 'grabbing their nuts' in fear.... Ballsiness was a category as important to him as to Hemingway or Mailer, and he must have been delighted when Joseph Alsop began referring to him at Washington dinner parties as 'a Stevenson with balls.'"

The same dippy ballsiness, says Wills, drove Kennedy (whose father, we are told, expected all his sons "to undertake a competitive discipline of lust") to take kinky risks in the bedroom, bedding down a gal with Nazi social connections during World War II and sharing White House mattresses with mobster Giancana's moll, Judith Campbell.

John's sexual adventures "put Robert Kennedy in a moral prison," where he could not strike at FBI Director Hoover for fear that Hoover would spill the beans about John's affairs. Likewise, says Wills, when John was shot, Bobby became a prisoner of his brother's reputation. To protect it, he frustrated the Warren Commission's investigation, fearing it might uncover the Cuba connection, thence Giancana, thence Judith Campbell.

But apparently no brother was such a prisoner of love as Teddy. Indeed, says Wills, the very term "'imprisonment' came to mind as I watched Edward Kennedy shake hands with well-wishers" during the 1980 campaign. With men Teddy could "sometimes do the locker-room punch on the arm, clumsily hug an 'old boy.' But he subtly tenses when women come near, and puts his hand far out for primmest shaking. He has been burned too often by tabloid pictures of him merely walking near a pretty blonde. A kiss on the cheek may be quite continental, but that is a luxury denied him, now, in public. He lives within an invisible cage of his own forging, sealed in by his own actions outward, by the reputation of his former prowess. The ladies' man can barely shake a lady's hand, so crippled is he by his past."

Maybe. All of us are crippled by our past, in some way, just as all of us are strengthened by it. But calling those influences an "imprisonment" is dangerously melodramatic, especially when applied to presidents and would-be presidents. Melodrama is, in fact, one of the serious defects of Wills's "meditation on power." Meditators tend to be mesmerized by a single revelation, fanatical followers of a single star; they are too insistent that they can tie together all the complexities of life with one simple explanation, even a catchword. For all his talents, Garry Wills has the typical weakness of meditators: He has stretched his theme too far.

THE WEST BANK STORY, by Rafik Halabi. Harcourt Brace Jovanovich, 289 pp., $12.95.

This land is mine

CLAUDIA WRIGHT

AS A MODERN IDEOLOGY with possession of the land of Palestine as its objective, Jewish nationalism is at least a century old. It began with the arrival in Palestine of Eastern European adherents of a movement called the "Lovers of Zion" in 1882.

Thus the concept of a Jewish Palestine—Israel—cannot be considered the result of the Nazi Holocaust of forty years ago. Neither are Palestinian nationalism and Arab resistance to Jewish takeover the result of the thirty-four-year-old war of the Arab states, much less the invention of the even shorter-lived Palestine Liberation Organization (PLO). Well before Theodor Herzl, the founder of modern Zionism, composed his pamphlet *The Jewish State* (1896), before Palestine itself had been pieced together by the British from the three Ottoman governorates of Jerusalem, Nablus, and Acre, and before the total population of the land had reached half a million, with Jews in a minority of 5 percent, it was already certain that the struggle between Palestinians and Jews would cause earth-shaking trouble. The sultan of the Ottoman Empire told one of Herzl's aides in 1896: "Let the Jews save their billions. When my Empire is partitioned, they may get Palestine for nothing. But only our corpse will be divided. I will not agree to vivisection."

Sultan Abdulhamid was shrewd. Eventually the Jewish state was created over the dead body of two empires, Turkish and British, and its expansion toward the boundaries of a century ago is still going on—the West Bank of the Jordan river under military rule since 1967; East Jerusalem annexed in 1967, the Golan Heights in 1981; southern Lebanon occupied once, perhaps again within days or weeks; the West Bank and Gaza waiting to be annexed in the future. The cost of military conquest and annexation is, as the sultan predicted, "for nothing"—just the cost of a standing army already heavily subsidized by the United States. The other costs of occupation are more than offset by the value of water, land, and labor that have been expropriated. But since there are still Palestinians who resist, this process requires the taking of resources from the living—in the sultan's word, "vivisection."

What, then, can we make of a book about Palestine by a man who begins with the declaration: "I am an Israeli patriot, though I am not a Jew"? Rafik Halabi is an Arab and to Arabs a Palestinian. To Israelis, however, only Jews can be patriots of the Jewish state. They are so antagonized by his misplaced patriotism, as they see it, that they have roughed him up, sent him threatening letters, pressured his superiors to sack him, and appeared at his office to shoot him.

This is an unhappy reward for a man who by his own account has only

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done what essentially a Zionist agitation has urged on the world—to accept Israel as the homeland of the Jewish people. He accepts Israel but admits the authorities don't accept him—his identity card does not identify him as an Israeli national. But Halabi, who has been lionized by *Newsweek* as the gadfly of the Israeli state-run television system, believes his detractors are a small, extremist, unrepresentative minority of Israel's Jews. The majority, he thinks, are different. So too, he argues, is the state to which he pledges allegiance from the very first page. This book is his attempt to convince himself that because he has renounced the Palestine of his birth, speaks Hebrew fluently, serves in the Israeli army, earns shekels (as a television reporter, many more than average), and carries an Israeli identity card, he is in theory, as well as in practice, an Israeli. This is a delusion—an understandable one perhaps in Halabi's case, and an instructive one for Americans, Jews and non-Jews alike, who think, with him, that there is room in Jewish nationalism for accommodation with the Arabs.

Halabi is a Druse, a member of a small religious sect whose clans have traditionally been concentrated in the arid, hilly land of southern Syria and Lebanon, the Golan Heights, and northern Israel. The Druses have been desperately poor peasants, dominated by feudal sheiks whose loyalties were bargained for by the Ottomans, French, and British when they ruled the area. In getting the Druses to side with Israel against the Palestinian Arabs, the Jews needed only to buy off the same sheiks—and in Halabi's case, his father, a village *mukhtar* (head man), was a natural ally. Halabi's education and economic advancement were part of the payoff. But, as he admits, few of his fellow villagers were able to benefit in the same way or degree. For them, as for Halabi himself, it has been necessary to abandon their land, go to the cities, or else to work as laborers for the expanding Jewish settlements into which the state has poured investment, and for which the state has diverted the water on which the Druse farmers depended.

Yet even the Druse pact with Israel had disintegrated before Halabi's book reached this country. The immediate cause of the rupture was the December 1981 decision by the Israeli authorities to annex the Golan Heights and oblige the Druse villagers of Syrian nationality to submit to Israeli law and carry Israeli identity cards. Driven by the young Druses, even the dominant sheiks and *mukhtars* have had to give way to demands for resistance. A strike by Druse villagers began in mid-February, and following the standard reaction of the Israeli military authorities in the West Bank and Gaza—water and electricity cut off, strikers sacked from their jobs, leaders imprisoned and deported, roads blockaded, military curfew, press blackout—the Druses elsewhere in Israel have rallied. Halabi is now as isolated from other Druses as he had been from other Arabs or Israeli Jews.

As a political journalist, Halabi should be aware of the steadily rising tide of Israeli public opinion favoring the expansion of territory, of repression and deportation of Palestinians, and of attacks on Arab cities and states far from Israel's borders. Two-thirds of Israelis support annexation of the Golan, according to regular polls; a majority favors the absorption of the West Bank. Less than ten percent would allow Palestinian autonomy under Israeli military control, and only 3.8 percent support Palestinian independence on territory that few elsewhere in the world regard as belonging to Israel. Nowhere does Halabi report this degree of intransigence.

In his perception Israel has made the desert bloom, introduced liberation to the women of the Middle East, and has only resorted to arms when provoked by Arab terror. He is almost totally ignorant of the agricultural advances of Arab states where the capital to drill, pump, irrigate, and store water has been as plentiful as in Israel. He knows nothing about the women's movements in Tunisia, Libya, or Iraq. He ignores the Sharett diaries, the inside record of Israeli provocation and terrorism since 1948 masterminded by erstwhile moderates and personal heroes like David Ben-Gurion and Moshe Dayan.* His text refers to Yasir Arafat and George Habash of the PLO almost twice as often as Menachem Begin and Ariel Sharon; Israelis, by a ratio of four to one, consider the latter two to be the best men for their jobs, and approve assassination of the former two without significant dissent. Halabi's conception of the future for the West Bank accepts both judgments.

He doesn't dispute the Begin-Sharon policies on the West Bank, but gives the impression that by his covering occasional protests where the PLO flag is flown, the Begin regime guarantees a rough, but durable freedom of expression and organization in Israel. Halabi omits to mention that the authorities prohibit Arabs from traveling from one locality to another for meetings. He assumes their guilt in crimes because they are arrested. He fails to mention that Bir Zeit, the Palestinian university on the West Bank, is not allowed to import books in Arabic—not even the French in Algeria did that—and members of its faculty and students are continuously deported. Repeated closings of the university are justified because the school is a "hotbed of rebellion."

Halabi believes that there is room in Jewish nationalism for accommodation with the Arabs.

To Halabi, anti-Semitism and nazism are doctrines of racial superiority and hatred reserved only for the victimization of Jews. Halabi the good Druse learned his lessons well at high school in Haifa and the Hebrew University in Jerusalem. He wasn't taught that the Arab Palestinians are also Semites, and he has grown up regarding their poverty, illiteracy, and weakness as conditions the Jews of Eastern Europe and the Israel defense forces have a God-given right to extirpate, by requiring them to conform or deporting them if they won't.

If Halabi profited by acquiring such convictions, as Israelis profit from their consequences, there is no reason why others should hold them. Or why American taxpayers should support them with subsidies that will rise to $2.5 billion annually starting next October.

*Moshe Sharett was Israel's foreign minister under Ben-Gurion and prime minister in 1954–55. His *Personal Diary*, a 2400-page document in eight volumes, has been published in Hebrew, but attempts to publish it in English have so far failed. American readers can obtain extracts from Livia Rokach, *Israel's Sacred Terrorism* (with an introduction by Noam Chomsky), published by the Association of Arab-American University Graduates, Belmont, Massachusetts.

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Ayn Rand 1905–1982

ROY A. CHILDS, JR.

*SHE WAS CAUSTIC, ACER*bic, and totally doctrinaire. She had supreme confidence in her ideas and in her power as a writer. At the end she was a recluse with a following of tens of thousands spread across the world. She was certainly one of the most controversial, and perhaps the most remarkable, woman of her time.

Ayn Rand's death in New York City on March 6 marked the end of an exceptional life. Critics usually scorned her novels as little more than vehicles for her philosophical and political ideas, and her nonfiction writings were never taken very seriously by most intellectuals. Yet the sales of her two major novels, *The Fountainhead* (1943) and *Atlas Shrugged* (1957), have never flagged since their first publication—15,000 to 20,000 copies of the paperback editions are still sold each month—and her funeral was attended by economists, journalists, and professors of philosophy. Whatever else may be said of Ayn Rand, she was a phenomenon.

Consider her saga: She was born in Tsarist Russia, lived through the Russian Revolution, and vowed to go to America. Barely two years after graduating, at the age of nineteen, from the University of Leningrad, she did so. In 1926 she arrived in New York City alone, with about $50 in her pocket. She worked at odd jobs—stuffing envelopes, selling subscriptions, waitressing in a diner, and running a wardrobe department in a movie studio in Hollywood—until she could make a financial success of her writing. That didn't happen until she was nearly thirty-eight and published *The Fountainhead*—after it had been rejected by a dozen publishers. With *Fountainhead* and, later, *Atlas Shrugged,* she became world-famous and a millionaire. Ayn Rand set out to achieve what she wanted in life, and did it.

And she had a total personal integrity in her writing, which from the beginning often made her a nightmare for some people to deal with. In the early 1930s, for example, Al Woods, the stage producer, was interested in producing her play *The Night of January 16th* on Broadway. But Woods wanted the right to make certain changes in the script. Ayn Rand would not give in, and lost an early and important chance at success.

It was probably her political views that contributed most to making her controversial—her espousal of a philosophy of reason, individualism, and competitive capitalism. In Russia she had witnessed the funeral procession of the delegates to the constituent assembly who were shot by the communists; she claimed that at the age of twelve she was already revolted by the communist slogan that man should exist for the state. When she came to America and heard intellectuals vilifying individualism and espousing collectivism, and even lauding the noble Soviet "experiment," she was shocked and disgusted; she soon came to hold them in a contempt she never bothered to hide. Ayn Rand was in effect one of the first Russian Jewish dissidents, but she went much farther than any of the others ever did: She regarded socialism and all other forms of collectivism as profoundly evil and capitalism as the only moral political and economic system in history.

On public platforms, where she would often appear dressed in a dramatic style out of the thirties, complete with sweeping cape, she presented views that sounded outrageous. She denounced Kennedy's "Fascist New Frontier" during the heyday of Camelot, defended big business as "America's persecuted minority," assailed the Vietnam War as "altruistic," and wrote two lengthy essays refuting papal encyclicals. Liberals thought of her as a right-winger, but the truth is she despised conservatives and liberals about equally. George Wallace she scorned as representing "the emergence of an open fascism in this country," and in 1972, she proclaimed herself an "anti-Nixonite for Nixon." She attacked Ronald Reagan both for his stand on abortion and for suggesting that the Soviet Union was a threat to the United States; in her view, the Soviets were nothing but "cowardly bullies." In the conduct of her own life, she was a militant feminist from the start, while she enraged feminists by calling herself "a male chauvinist" and a "man-worshipper."

Her attacks on fascism were nearly as bitter as those on communism. Under Mussolini in the 1930s a pirated film was made of her first novel, *We the Living,* set in the Soviet Union. At first Italian authorities considered the film anticommunist and allowed it to be shown. But it dawned on the fascists that *We the Living* was an attack on statism of all kinds, an eloquent defense of man against the state, and it was ordered withdrawn. The Nazis would never let the film be shown at all in Germany. She was always very proud of that.

REACTION TO RAND'S views was nearly as intense as her own presentation of them. When *Atlas Shrugged* was published, reviewers simply did not want to take it seriously as a novel of ideas. (In *National Review,* Whittaker Chambers hysterically concluded that she was demanding that her philosophical opponents be sent to gas chambers.) They were appalled when the first printing of some 100,000 was announced and when the book made its way on to the best-seller lists. Some observers dismissed her as a kook with a cult following, others regarded her as the most original mind of the century, still others followed her pronouncements with a kind of sometimes morbid fascination, not quite knowing what to make of the whole thing. Statements such as, "Milton Friedman is not an advocate of capitalism" would set even sympathizers with her cause to shaking their heads in baffled disbelief.

She never had time for small talk, or for compromise in her writing. William Buckley once related that the first time he and Rand met, she said flatly, "Mr. Buckley, you're much too intelligent to believe in God." (The incident was apparently traumatic for Buckley, to judge from the malice in his obituary column on her.) When Bennett Cerf of Random House wanted to make some cuts in the sixty-page speech by John Galt that forms the climax of *Atlas Shrugged,* Cerf claims she simply glared at him, and asked, "Would you cut the Bible?" Ayn Rand did not have a modest view of her own work.

From the beginning to end, she was

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a romantic. As a young girl in the Soviet Union, she read the works of Victor Hugo, listened to the operettas of Lehar and Kalman, and attended all the foreign films she could. She regarded her own writing as in the tradition of heroic romanticism. Critics found her works to be unrealistic and implausible. Yet to her that was never the point: She was presenting, she said, a view of things as they might and ought to be.

Her ideas have had a profound impact. More than anyone else, she was responsible for the great expansion of libertarianism as a popular movement. Before *Atlas Shrugged* was published in 1957, the few defenses of capitalism that had been offered were primarily economic and technical. She introduced a strong moral case that elevated the debate on capitalism versus socialism to a significantly higher level. While she condemned as parasites businessmen who used state privilege to amass wealth and economic power, she turned Marx on his head with her glorification of the truly creative entrepreneur, whom she saw as the driving force of production. What little is worthwhile in a book like George Gilder's *Wealth and Poverty* comes straight from Ayn Rand. Yet when she made her last public speech last year in New Orleans, she refused to appear on the same platform as Gilder, whose defense of capitalism on altruistic grounds she found evil.

At her funeral in New York, the city she loved above all others as a symbol of human achievement, some 800 people flocked to pay their last respects. The room was brightly lit and festively decorated, and she lay in an open coffin, looking as though she were about to rise up and denounce someone. In the background there was music: Viennese waltzes, popular tunes like "With a Song in My Heart," jazz from the thirties and forties, and ragtime. She had had a profound effect on a whole generation of young intellectuals who are only now beginning to make their mark, and many of them gathered in New York to pay tribute. Ayn Rand was that kind of woman. There will never be another like her, and if she hadn't existed, no one could have invented a fictional character as fascinating, unorthodox, and powerful. If someone had, critics would doubtless have found it unrealistic, proclaiming that "life is not like that," and chiding us as hopeless romantics for thinking it ever could be. ❑

FILM

***VICTOR/VICTORIA*, directed by Blake Edwards.**

Double identity

STEPHEN HARVEY

*EVEN THOSE WHO GET EX*asperated by Blake Edwards's bile-tinged entertainments would have to concede their distinctiveness—these films certainly do stand apart from the work of any other filmmaker now working, though whether that's a virtue or not is decidedly open to debate. *10, S.O.B.,* and the current *Victor/Victoria* all seem to have sprung to life in a disorienting temporal limbo. Their glossy surfaces—all popsicle colors, bouncy musical backgrounds, and bumptious farcical shtick—harken back to the studio-tooled products of the 1950s, but the jaundiced perspective they adorn has the fifty-year itch with a vengeance. Beneath the compound-fracture slapstick, the content of Edwards's comedies usually turns out to be much more disturbing to audiences than the substance of movies like *Shoot the Moon,* overpraised in some quarters as scathingly honest and emotionally unsparing.

Actually, *Shoot the Moon* was a model of sleek, calculated daring; Alan Parker knows exactly how to charm his public when he wishes, and just how far he can go in the catharsis department before turning them off. Edwards is too willfully idiosyncratic for that—he's going to vent his gallows-humor misanthropy no matter what, and if the audience can't or won't keep up, to hell with them. The same goes for his enshrinement of the missus, Julie Andrews, whose inevitable command performances in his movies are not exactly prompted by stampeding popular demand. Not unlike Marion Davies's final blaze-of-autumn vehicles in the mid-thirties under the tutelage of William Randolph Hearst, Edwards's most recent trio of movies persist in the illusion that this is a great and beloved star whose appeal is evergreen, although the branches are getting pretty barren as far as the public is concerned. He assumes that her image is so sacrosanct that her public will get untold thrills by seeing it defaced in one manner or another—allowing her to exude sullenness in *10,* or bare her chest in *S.O.B.,* or cavort in male drag for the purposes of *Victor/Victoria.* The truth may be that Andrews is such a back item these days that most audiences don't care whether she does operettish trills or whistles "I Wish That I Could Shimmy Like My Sister Kate" while performing cartwheels across the length of the Panavision screen.

In *Victor/Victoria,* Edwards's blithe defiance of contemporary mass tastes is more blatant than ever before. Set in the Paris of 1934, this movie belongs to that least popular of current genres, the period musical. In between its tepid sieges of Coward-esque patter and *le jazz hot* trilled by guess who, *Victor/Victoria* is given to passionate polemics on the joys of androgyny, and broadsides against those nasty, small-minded types who, in this movie's anachronistic words, don't consider homosexuality "a valid alternative lifestyle." The first shot in the movie discloses Robert Preston in bed with a youthful gigolo; later on, *Victor/Victoria* makes much mirth out of that mountainous jock Alex Karras's prideful exclamation that his secret love's no secret any more. All of which is just the thing to induce nausea rather than guffaws in all those folks who thought *Making Love* was a sensitive exercise in restrained good taste.

But then, *Victor/Victoria* is two hours plus of celluloid mixed-metaphors, as baffling as it is fitfully exhilarating. For all its thoroughly modern sexual politics, this film relies on a host of

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archaic movie antecedents, both acknowledged and implicit. The script is a credited remake of a 1933 German movie musical, *Viktor und Viktoria*, concerning a down-and-out chanteuse who attains show-business glory but complicates her private life by posing as a female impersonator. (*Viktor und Viktoria* was previously remade in England in 1935 as *First a Girl* with the delectable dancer Jessie Matthews in the title role; "First a girl, then a boy, always a joy" went the ad campaign for that one.) The look of the movie is captivatingly retro in more ways than one—art director Rodger Maus's snow-sprinkled Parisian alleyways have the tasty marzipan verisimilitude of all those movies which used to conjure up ooh-la-la on the Paramount soundstages. *Victor/Victoria* is likewise peopled with the phantoms of some of Hollywood's more treasured archetypes. There are caustic Continental waiters with gummy accents, out of Lubitsch and Wilder; and in the person of a beetle-brained, platinum-wigged Lesley Ann Warren, as James Garner's neglected moll, we have that favorite caricature, the sibyllant bimbo—wheedling and pouting through a mouthful of bonbons like Jean Harlow in *Dinner at Eight*, peevishly screeching malapropisms through her uptilted nose like Jean Hagen's Lina Lamont in *Singin' in the Rain*. Edwards's most persistent homages, however, are to his own past work—a haplessly klutzy private eye in the Inspector Clouseau tradition, velvety 360-degree tracking shots around Andrews delivering a torch song in her imperturbable blue-white manner, à la *Darling Lili*.

With the inescapable casting of Edwards's personal *vedette* in the central role, *Victor/Victoria*'s deliriously intricate plot requires a suspension of disbelief that borders on the surreal. In the early scenes, before she bobs her hair and dons a tux, she's supposed to look a haggard twenty-nine, a thorny challenge mastered by this eerily changeless star. Once her hair has been brilliantined and her lipstick lightened to a pale pink hue, what she really resembles is Sandy Duncan transfigured with David Bowie makeup. The climax of Victoria's cabaret turns comes when she rips off her bespangled wig of the moment to reveal her closely sculpted pate. The onstage audience gasps and applauds the ostensible illusion that she is a boy, when logic would dictate that what they're witnessing is an unsung pal of Djuna Barnes making a spectacle of herself. Andrews's most nonplussed admirer is a Chicago gangster scouting new talent for his deco speakeasy. James Garner's part consists primarily of a series of befuddled reaction shots, and no wonder—this character may be confused as to the sexual identity of the creature who's captured his heart, but it's the actor who's understandably at sea when it comes to making any sense of the script under the circumstances. (It should also be mentioned that to give the impression that Garner is still on the sunny side of forty, he sports even more pink grease-paint than his transvestite costar.)

Still there's something disarming about Edwards's headlong perversity. It's a measure of this director's scrambled sensibility that by far the most appealing and straightforward performance in the film is given by Robert Preston as Victoria's mentor, a middle-aged gay entertainer whose philosophical sprightliness gets him through any farcical crisis. Toddy is the one character in the movie who is sure of his place in the cosmos and comfortable with it, and as an actor Preston gives the same impression. He doesn't embroider the part with effete flourishes to protect himself from being too closely identified with what he's playing—he sails through *Victor/Victoria* with that unflappable gusto that has been Preston's trademark since *The Music Man*. While Garner and Andrews toil grimly to preserve their former selves in a celluloid aspic, Preston amiably radiates the assurance that his gifts have only ripened with age.

Such serenity in the face of the onslaught of time is not exactly a Blake Edwards hallmark. The more his movies strain for an air of blithe contemporaneity, the more outmoded they seem, like a breathless dowager wriggling into a formfitting polyester pantsuit. *S.O.B.*'s most dated element was its heavy-handed trendiness—the notion that raunch was the key to luring all those post–*Last Tango in Paris* movie patrons. *Victor/Victoria* wants to startle and titillate us moderns with the revelation that androgyny can be fun, an idea that had more currency in those go-go unisex days of a decade ago and more. But it's the movie's musical numbers that really betray Edwards's out-of-sync quest for novelty. I'm not referring so much to our coloratura stars' versions of Henry Mancini Muzak, which as usual belong to no period but Andrews Standard Time. Rather, it's the "decadent" whoops-a-daisy antics of Lesley Ann Warren's girls and Robert Preston's boys that are pale shadows of Bob Fosse's retrospective riffs on the twenties and thirties in the likes of *Cabaret* and *Chicago*, themselves nearly a decade old.

The inadvertent pathos in Edwards's work arises from the struggle of the director pushing sixty who wants to prove how with it he still is. Yet the very real delights in *Victor/Victoria* come out of his mastery of those timeless staples from a nearly vanished school of moviemaking. Nobody choreographs a slapstick ballet with more cool comic dispatch than Edwards. A fugitive cockroach let loose in a bourgeois Paris bistro occasions a speeded-up exercise in mayhem worthy of Mack Sennett, transformed with the Olympian detachment of Lubitsch by Edwards's serene visual elegance. And when it comes to confecting a klieg-lit toy city more intoxicating than the real thing could ever be, Edwards knows more than a hyperthyroid upstart like Francis Coppola is ever likely to learn. It's probable that Edwards will never resolve the conflict between his arthritic quest for novelty and supple show-biz aplomb, but it's that odd contradiction that gives his movies their exasperating fascination. By mixing together so many discordant elements out of six decades of movies, including some of his own, this director has once more made a film of defiant originality. ❏

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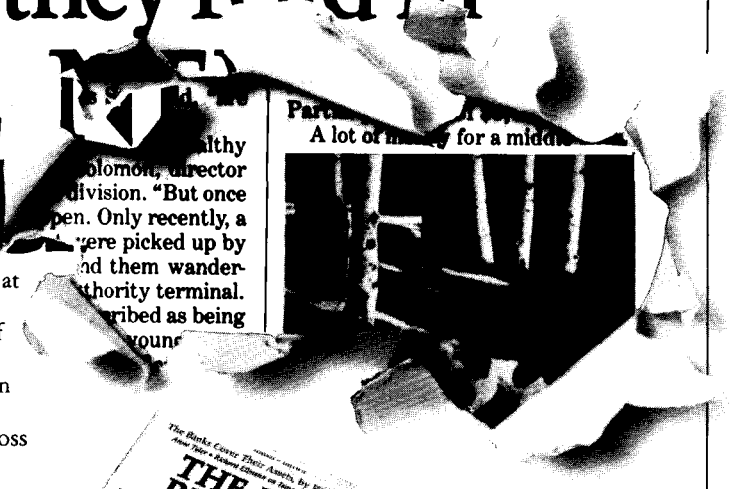

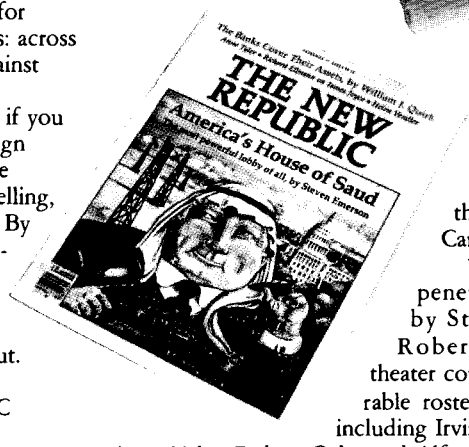

Sometimes they're angry *at* us—we have a habit of jabbing at cherished political beliefs and philosophies. More often, they're angry *along with us*—sharing our outrage at some of the inanities that pass for reason in Washington these days.

But always, it's an anger of the noblest kind. The reaction of people who really care—who know that the search for truth can take some pretty aggravating twists and turns: across party lines, beyond conventional wisdoms, head-on against strong personal convictions.

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In a series of timely articles, THE NEW REPUBLIC explored the idea behind supply-side economics: that producers should be encouraged, through tax incentives, to produce. We agreed with the *idea*, but not the practice under *Reagan*. Are rich people, we asked, the true producers of wealth? Or just the most conspicuous consumers of it?

While everyone else was praising Japan's "miracle economy" to the skies, Daniel Yergin in THE NEW REPUBLIC predicted that the Japanese bullet train may be headed off the tracks. And for a reason you probably never thought of.

In several articles, we pointed out how giant corporations seem to be running American foreign policy. We didn't cite merely the obvious cases, like Chile. We showed how U.S. oil companies were propping up the Marxist regime in Angola and how banks were siding with the Russians against Solidarity in Poland. And a special investigative report in THE NEW REPUBLIC (reprinted later by newspapers around the country) revealed how Saudi Arabia secretly pressured corporations into lobbying to pass the AWACS bill.

While even many conservative publications urged a wait-and-see attitude shortly after martial law was imposed in Poland, THE NEW REPUBLIC took a tough line from the start.

And if you also tend to get emotional about things cultural, there's still more in store for you. Our outspoken TV critic, Mark Crispin Miller . . . who didn't hesitate to blast the phoniness of a sentimental special on race relations, or shy from praising a performer he thinks is a genius: Johnny Carson.

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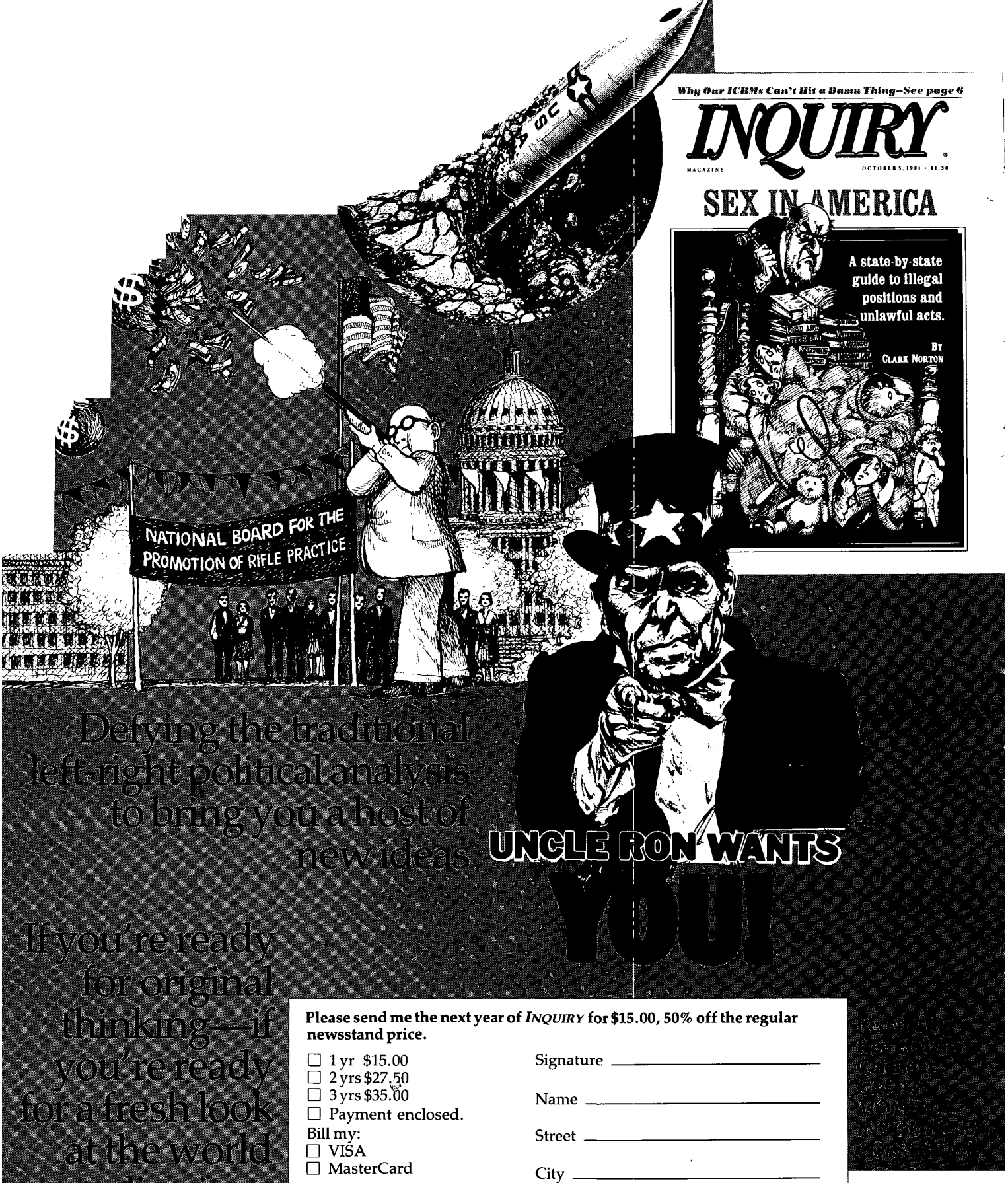
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